THE
Jeſuits Loyalty,

Manifeſted in Three ſeveral

TREATISES

Lately written by them againſt the

OATH of ALLEGEANCE:

WITH

A PREFACE,

SHEWING

The Pernicious Conſequence of their Principles as to Civil Government.

LONDON,
Printed by *E. Fleſher*, for *R. Royſton*, Bookſeller to His moſt Sacred MAJESTY, 1677.

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TO THE AUTHOURS

Of the following

TREATISES.

Gentlemen,

I Hope you will forgive me the not ſetting your Names before this Addreſs, although I am not wholly a ſtranger to them: for however it be againſt the uſual cuſtome, yet you have reaſon to take it more kindly from me. I aſſure you, my deſign is, not to doe any injury to your Perſons, but onely to let you and the world know, we are not altogether unacquainted with your preſent Principles, or Practices. And although, like the Plague, you walk in darkneſs, and doe miſchief; yet I intend onely to ſet ſuch marks and characters upon you, that when others ſee them, they may take the wind of you, and avoid the Infection. It may be, men of your retirement and modeſty may be ſomewhat ſurpriſed, to ſee themſelves in print againſt their wills: but I hope you will pardon this preſumption, and *abſolve* me as ſoon as I have *confeſſed* my fault. For it is very agreeable to your Caſuiſtical Theology ſo to doe, without ſtaying for the performance of *Penance*; and the contrary Doctrine is accounted one of the Hereſies of *Janſeniſm*, which I know you love as

Supplicatio ad *Clem.* X. per Franciſc. Simonis Mogunt. A.D. 1675.

little as the *Oath* of *Allegeance*. I find in a *Supplication* to the late Pope *Clement* X. *That to aſſert the neceſſity of Penance before Abſolution, is to charge the Church with a dangerous Errour for four or five of the laſt Ages, and to revive an Opinion condemned by the Head of the Church.* (Which are the very ſame Arguments uſed in the *Firſt Treatiſe*, for the Pope's Power of depoſing Princes.) You need not therefore wonder, if it be with me as it is with thouſands of others, that when *Abſolution* may be had at ſo eaſy a rate, I preſume to offend. If I may be ſaid to *offend*, in obtaining that for you, which you ſometimes ſadly complain of the want of, *viz.* a *Liberty* of *printing* your *Books*. You may by this ſee how frankly we deal with you, in that we do not onely ſuffer, but procure the coming abroad of your moſt miſchievous *Treatiſes*.

It may be you will be ready to ask me, if I account theſe *Treatiſes* ſuch, why I venture to publiſh them. Becauſe ſome Poiſons loſe their force when they are expoſed to the open air: And it may doe good to others, to let them underſtand what *Doſes* you give in private to your Patients. We are to hear of nothing from you, but Profeſſions of the utmoſt *Loyalty* and *Obedience* to *Government*; and that it is nothing but a little ſqueamiſh Scrupuloſity of Conſcience which makes any of your ſtomachs check at the *Oath* of *Allegeance*: the Ingredients are a little too groſs and fulſome for you to get it down; but if they were neatly done up in Pills and gilded over, to prevent the nauſeouſneſs of them, you could ſwallow them all, and they would work kindly with you.

We have been told over and over, that you onely

ſtick at ſome inconvenient Phraſes and Modes of expreſſion; but for what concerned any real Security to the Government, you would be as forward and ready to give it, as any of His *Majeſtie*'s Subjects. If this really were the Caſe, you deſerved both to be pitied and conſidered. But we thank you, *Gentlemen*, for the pains you have taken in theſe *Treatiſes*, to make us underſtand that this is not your Caſe. For it is eaſy to diſcern by them, what lies at the bottom of all, *viz. the unwillingneſs to renounce the Pope's Power of depoſing Princes.* Which the *Authour* of the *Firſt Treatiſe*, like an open plain-hearted man, avows and maintains: and the other two more craftily inſinuate. I ſhall therefore deal freely with you in this matter, by endeavouring to prove theſe two things.

1. That if you do not renounce *the Pope's Power of Depoſing Princes, and Abſolving Subjects from their Allegeance*, you can give no real Security to the *Government.*

2. That if you do renounce it, you have no reaſon to ſtick at the *Oath* of *Allegeance.*

I. That if you do not renounce *the Pope's Power of Depoſing Princes, and Abſolving Subjects from their Allegeance*, you can give no real Security to the *Government.* I ſhall not inſiſt on any of the beaten Topicks to prove this; but onely make uſe of this Argument, That it is allowed by all Friends to our *King* and His *Government*, that the *Commonwealth-Principles* are deſtructive to it, and that none who do own them can give ſufficient Security for their *Allegeance.* If I therefore prove, that all the miſchievous Conſequences of the *Republican Principles* do follow upon the owning the *Pope's Power of de-*

poſing Princes, I ſuppoſe you will grant I ſufficiently prove what I intend.

Now the Miſchief of the *Commonwealth-Principles* lay in theſe things: 1. Setting up a Court of Judicature over Sovereign Princes; 2. Breaking the Oaths and Bonds of *Allegeance* men had entred into; 3. Juſtifying Rebellion on the account of *Religion*. Every one of theſe I ſhall prove doth naturally follow from the *Pope's Power of depoſing Princes*.

1. Setting up a *Court of Judicature* over *Sovereign Princes*; or, if you pleaſe, a *Spiritual High Court of Juſtice* at *Rome*; where Princes are often condemned without being heard, becauſe they have no reaſon to acknowledge the Juriſdiction of the Court.

It is no ſatisfaction, in this caſe, to diſtinguiſh of a *direct* and *indirect Power*: For however the Power comes, the effect and conſequence of it is the ſame: as a man may be as certainly killed by a back blow, as by a thruſt or downright ſtroke. But the Queſtion is not, how the Pope came by this *Power*, which, I eaſily grant, was *indirectly* enough; but whether he hath any ſuch Sovereignty over Princes, as to be able by virtue thereof to depoſe them. And the Commonwealths-men do herein agree with you. For they do not ſay, that the *People* have a *direct Power* over their *Princes*; (which were a contradiction in it ſelf, for Subjects to command their Sovereigns;) but onely, that in caſe of breach of Truſt, the *People* have an *indirect Power* to call their *Princes* to an account, and to deprive them of their Authority. But are the Commonwealth-Principles the leſs miſchievous to Government, becauſe they onely aſſert an *indirect Power* in the *People*? Why then

ſhould

ſhould the ſame diſtinction be of leſs pernicious conſequence in this caſe? The main thing to be debated is, that which doth immediately concern the juſt *Rights* of *Sovereignty*, Whether Sovereign Princes have a Supreme and Independent Authority inherent in their Perſons or no: or whether they are ſo accountable to others, that upon Male-adminiſtration they may be deprived of their Government. This is the firſt and chief Point: and the *Republicans* and Aſſerters of the *Pope's Depoſing power* are perfectly agreed in the *Affirmative* of the latter Queſtion, and onely differ as to the *Perſons* in whom the Power of calling Princes to an Account doth lie; whether it be in the *Pope*, or the *People*.

And even as to this, they do not differ ſo much as men may at firſt imagine. For, however the *Primitive Chriſtians* thought it no Flattery to Princes, to derive their Power immediately from *God*, and to make them accountable to him alone, as being Superiour to all below him, (as might be eaſily proved by multitudes of *Teſtimonies*:) yet, after the *Pope's Depoſing Power* came into requeſt, the *Commonwealth-Principles* did ſo too, and the *Power* of *Princes* was ſaid to be of another Original, and therefore they were accountable to the *People*.

Thus *Gregory* VII. that *holy* and *meek-ſpirited Pope*, not onely took upon him to Depoſe the *Emperour*, and abſolve his Subjects from their *Allegeance*; but he makes the firſt conſtitution of *Monarchical Government* to be a meer *Uſurpation* upon the juſt *Rights* and *Liberties* of the *People*. For he ſaith, *That Kings and Princes had their beginning from thoſe, who, being igno-*

Quis neſciat, Reges & Duces ab iis habuiſſe principium, qui, De-

rant

um ignorantes, ſuperbiâ, rapinis, perfidiâ, homicidiis, poſtremò univerſis penè ſceleribus, (Mundi Principe, Diabolo viz. agitante,) ſuper pares, ſc. homines, dominari cæcâ cupiditate, & intolerabili præſumptione, affectaverunt?
Greg. VII. l. 8. ep. 21.

rant of God, got the power into their hands over their equals, (through the inſtigation of the Devil,) and by their pride, rapine, perfidiouſneſs, murther, ambition, intolerable preſumption, and all manner of wickedneſs. This excellent account of the *Original* of *Monarchical Government* we have from that famous *Leveller Gregory* VII. *that moſt Holy and Learned Pope, who, for his Sanctity and Miracles, was canonized for a Saint*;
Pag. 4. as the Authour of the *Firſt Treatiſe* notably obſerves.

Did ever any *Remonſtrance*, *Declaration of the Army*, or *Agreement of the People*, give a worſe account of the *beginning* of *Monarchy* then this Infallible Head of the Church doth? What follows from hence, but the juſtifying all Rebellion againſt Princes, which, upon theſe Principles, would be nothing elſe, but the People's recovering their *juſt Rights* againſt intolerable Uſurpations? For ſhame, Gentlemen, never upbraid us more with the pernicious Doctrines of the late Times as to Civil Government. The very worſt of our *Fanaticks* never talked ſo reproachfully of it, as your *canonized Saint* doth. Their Principles and Practices we of the *Church* of *England* profeſs to deteſt and abhorre: but I do not ſee how thoſe can doe it, who have that Self-denying Saint *Gregory* VII. in ſuch mighty veneration. I pray, Gentlemen, tell me what Divine Aſſiſtence this good Pope had, when he gave this admirable Account of the *Original* of *Civil Government*: and whether it be not very poſſible, upon his Principles, for men to be *Saints* and *Rebells* at the ſame time.

I have

I have had the curioſity to enquire into the Principles of *Civil Government* among the fierce Contenders for the Pope's *Depoſing power*; and I have found thoſe *Hypotheſes* avowed and maintained, which juſtifie all the Practices of our late *Regicides*, who when they wanted materials, and Examples of former Ages, when they had a mind to ſeem learned in Rebellion, they found *no Smith in Iſrael, but went down to the Philiſtins, to ſharpen their fatal Axe.* Elſe, how came the *Book of Succeſſion to the Crown of England* to be ſhred into ſo many *Speeches*, and licenſed then by ſuch *Authority* as they had, to juſtify their Proceedings againſt our late *Sovereign* of glorious Memory? Wherein the main deſign is, to prove, *That Commonwealths have ſometimes lawfully chaſtiſed their lawfull Princes, though never ſo lawfully deſcended, or otherwiſe lawfully put in poſſeſſion of their Crowns: and that this hath fallen out ever, or for the moſt part, commodious to the Weal-publick; and that it may ſeem that God approved and proſpered the ſame, by the good Succeſs and Succeſſours that enſued thereof.*

Theſe were the Principles of the moſt conſiderable men of that Party here in *England* at that time. For it is a great and common miſtake in thoſe that think the *Book of Succeſſion* to have been written by F. *Parſons* alone. For he tells us, that *Card. Allen, Sir Francis Ingleſield, and other principal perſons of our Nation, are known to have concurred to the laying together of that Book, as by their own hands is yet extant; and this to the publick benefit of our Catholick Cauſe. Firſt, that Engliſh Catholicks might underſtand what ſpecial and preciſe Obligation they have to reſpect Religion, in admitting any new Prince, above all* An Apologie in defence of Eccleſiaſtical Subordination in England, pag. 187. col. 2.

other Reſpects humane under heaven. And this is handled largely, clearly, and with great variety of learning, reaſons, doctrine, and examples, throughout the Firſt Book.

This was purpoſely intended for the Excluſion of His *Majeſtie's Royall Family*, K. *James* being then known to be a firm Proteſtant: and therefore two *Breves* were obtained from the *Pope* to exclude him from the Succeſſion; which were ſent to *Garnet*, Provincial of the *Jeſuits*. One began, *Dilectis Filiis, Principibus, & Nobilibus Catholicis*; the other, *Dilecto Filio, Archipresbytero, & reliquo Clero Anglicano.* In both which the Pope exhorts them, not to ſuffer any perſon to ſucceed in the *Crown* of *England*, how near ſoever in Bloud, *unleſs he would, not barely tolerate the Catholick Faith, but promote it to the utmoſt, and ſwear to maintain it.* By virtue of which Apoſtolical Sentence *Catesby* juſtified himſelf in the Gunpowder-Treaſon: For, ſaith he, *if it were lawfull to exclude the King from the Succeſſion, it is lawfull to caſt him out of Poſſeſſion; and that is my work, and ſhall be my care.*

Rog. Widdrington Supplicat. ad Paul. 5. p. 133.

Thus we ſee the *Pope's Depoſing power* was maintained here in *England*, by ſuch who ſaw how neceſſary it was for their purpoſe to defend the Power of *Commonwealths* over their *Princes*, either to exclude them from Succeſſion to the *Crown*, or to deprive them of the Poſſeſſion of it.

The ſame we ſhall find in *France*, in the time of the *Solemn League and Covenant* there, in the Reigns of *Henry* III. and IV. For thoſe who were engaged ſo deep in *Rebellion* againſt their lawfull Princes, found it neceſſary for them to inſiſt on the *Pope's Power*

Power to *depoſe*, and the *People's* to *deprive* their *Sovereigns*. Both theſe are joyned together in the *Book* written about *the juſt Reaſons of caſting off Henry* III. by one who was then a *Doctour* of the *Sorbon*: wherein the *Authour* begins with the *Power* of the *Church*; but he paſſes from that, to the *Power* of the *People*. He aſſerts * *the Fundamental and Radical Power to be ſo in them, that they may call Princes to account for Treaſon againſt the People*; which he endeavours at large to prove by *Reaſon*, by *Scripture*, by *Examples* of all ſorts, *forrein* and *domeſtick*. And he adds, *That in ſuch caſes they are not to ſtand upon the niceties and forms of Law; but that the neceſſities of State do ſuperſede all thoſe things.* If this man had been of *Counſel* for the late *Regicides*, he could not more effectually have pleaded their Cauſe.

De juſta Abdicatione Henrici Tertii è Francorum Regno. Lugd. *A.* 1591. l. 1. à c. 5. ad c. 9. * à c. 9. ad c. 25. l. 4. c. 1. ad c. 6. lib. 4. c. 23.

The next year after the Murther of *Henry* III. by a *Monk*, acted and inſpired by theſe Rebellious Principles, came forth another virulent *Book* againſt *Henry* IV. under the name of *Roſſæus*; but written by *W. Reynolds*, a furious *Engliſh* Papiſt, who, with his Brethren, contributed their utmoſt aſſiſtence to the Rebellious *Leaguers* in *France*; as appears by the *Books* then written. This man proceeds upon the ſame two Fundamental Principles of *Rebellion*, the *Power* of the *People*, and the *Depoſing power* of the *Pope*. He makes all Obedience to Princes to be ſo far *conditional*, that if they doe not their duty, *their Subjects are free from their obligation to obey them*: and ſaith, *that the contrary opinion is againſt the*

De juſta Reip. Chriſtianæ in Reges Impios & Hæreticos Authoritate. Antw. *A.* D. 1592.

Reſponce de vrays Catholiques Francois à l'advertiſement des Catholiques Anglois pour l'excluſion du Roy de Navarre de la Couronne de France. *A.D.* 1588.

Juramentum popu-

li non eum astringit ad obediendum Regi, nisi Rex legitimè & Christianè imperet. Rossæ. c. 2. n. 6. p. 68.

Law of Nations, and the common Reason of Mankind. And with great

c. 2. n. 7. p. 82. vehemency he pleads for *the Supreme Power over Princes to lie in the Body of the People, or their Representative:* Which he endeavours to prove by the *consent of Nations.* And it is obſervable, that he makes the

c. 2. n. 4. *Right* of *Succeſſion* by *nearneſs of Bloud* to be a *Calviniſtical Doctrine.* For, he ſaith, *Thoſe pretended Catholicks who pleaded for the Right of the King of Na-*

Apologie Catholique, &c. part. 2. p. 111, 112. A. 1585. *varre, though of a different Religion, had onely the name of Catholicks, but were in truth impudent Calviniſts.* The good Catho-

c. 8. n. 14. lick Doctrine which he aſſerts, is, *that no Obedience is due to an Heretical Prince:* Which he goes about to prove with more then fanatick zeal. But whereas the

c. 8. *de Rege Hæretico excommunicando.* Piſ. de Script. Angl. A. 1594. *Fanaticks* had onely the *Power* of the *People* to juſtify themſelves by; he calls in *the Depoſing Power of the Pope* too; upon which he largely inſiſts. Yet this is the *Book* ſo highly commended in *France* by *Clement* VIII. *Nuncio*, the *Cardinal* of *Placentia*. By which we ſee, how well the *Republican Principles* do agree with the *Pope's Depoſing power.*

Which may be better underſtood, when we conſider, that theſe were the common Principles of the whole Party of the *League*; as might be proved from ſeveral authentick *Teſtimonies*, if it were needfull. And he is a mighty ſtranger in Hiſtory, that doth not know how that Party was encouraged and abetted by the *Court* of *Rome*; and how *Sixtus* V. made a *Fanatick Oration* in the *Conſiſtory* at *Rome*, upon the

De juſta Abdicat. Henr. 3. l. 4. c. 23. Murther of *Henry* III. by a *Jacobin Frier*, *after eight days faſting and prayer to prepare himſelf for ſo holy an*

Act,

Act, and celebrating Maſſe, and commending himſelf to the prayers of others; as one tells us who well knew all the circumſtances of that horrid Murther. This *Oration* is now ſtoutly denied by perſons of greater zeal then knowledge; but *Will. Warmington*, a *Romiſh* Prieſt, not onely aſſures us that he had ſeen the Copy printed at *Paris* 1589. the year of the *King's death*, with the *Approbation* of 3 *Doctours of the Faculty of Paris*, (whereof one, viz. *Boucher*, was the *Authour* of the *Book* of *The juſt Abdication of Henry* III.) but he ſaith, *that being then at* Rome, *he ſent it to* William Reynolds, (the Authour of the other Treatiſe,) *who looked on it as an Approbation of the Frier's fact; and ſaid, he could not have been gratified by any thing more, then by ſending him the Approbation of the See Apoſtolick, becauſe he was then writing his Book.* This *Speech* was publiſhed from the *Notes* of *Card. Allen*, as *Warmington* ſaith, who was then one of his *Chaplains*, imploy'd by him in tranſcribing it; and the Pope himſelf acknowledged it to be his own *Oration*. Let the World then judge, whether the *Regicides* Doctrine doth not very well agree with the *Maxims* of the *Roman Court*.

Catholick Apology p. 336.

A Moderate Defence of the Oath of Allegeance. *A.* 1612. p. 127.

p. 148.

So true is that ſaying of *Spalatenſis*, *that the Popes and their followers make it their buſineſs to leſſen the Authority of Princes, and to make it as mean and contemptible as they can.*

Illud unum ſciant Reges, nihil magis cordi eſſe Pontifici & ejus aſſeclis, quàm ut Regiam poteſtatem vilem reddant, infirmam, imbecillem & abjectam. Ottel. error. Suarez. c. 3. n. 1.

And the countenancing the Proceedings of the *Covenanters* in *France* againſt *Henry* IV. by the ſucceſſive *Popes* was ſo open and notorious, that the neceſſity of his Affairs drove him to the Change of his *Religion*: but becauſe he was not a Perſecuter of Here-

Hereticks to that degree they deſired, after ſeveral attempts upon his Perſon, by men of theſe Principles, we all know it coſt him his Life at laſt. And I have it from a very good hand, that *Ravilliac* himſelf confeſſed, that the Reaſon which induced him to murther his Sovereign was, becauſe he did not think him obedient enough to the *Pope*.

Thus we find the moſt miſchievous *Commonwealth-Principles* have been very well entertained at *Rome*, as long as they are ſubſervient to the *Pope's Depoſing power*. But if we enquire farther into the *Reaſon* of theſe Pretences, we ſhall find them alike on both ſides. The *Commonwealths-men*, when they are asked, how the People, having once parted with their Power, come to reſume it; they preſently run to an *implicit Contract between the Prince and the People*, by virtue whereof the People have a Fundamental Power left in themſelves, which they are not to exerciſe but upon Princes violation of the Truſt committed to them. The very ſame Ground is made the *Foundation* of the *Pope's Depoſing power*, *viz.* an *implicit Contract* that all Princes made when they were *Chriſtians*, to ſubmit their Scepters to the Pope's Authority. Which is ſo implicit, that very few Princes in the world ever heard of it, unleſs they were ſuch who took their Crowns from the Popes hands, after they had reſigned them to them; which few beſides our King *John* were ever ſo mean-ſpirited to doe.

I reade indeed that *Albertus*, Archduke of *Auſtria*, in late times accepted the Government of *Flanders* with *Iſabella Clara Eugenia*, upon theſe terms, *That if any of their Poſterity were declared Hereticks by the Pope, they ſhould loſe all their Right to thoſe Provinces*; *and*

Th. Graſwinckel, Diſſertat.

and that the People ſhould be no longer bound to obey them, but to take the next Succeſſour. This is a very unuſual Condition, and I leave it to the Politicians to diſpute how far ſuch a Condition can oblige a *Sovereign Prince*; ſince it is declared in the caſe of King *John*, that *the Reſignation of the Crown to the Pope is a void Act*: and ſo conſequently will the impoſing any ſuch Condition be as inconſiſtent with the *Rights* of *Sovereignty*. De præl. juſtit. & juris, pag. 257.

But in the general caſe of *Princes*, nothing is pleaded but an *implicit Contract*, where by Princes being Excommunicated by the Pope, muſt loſe all that juſt Authority over the People which they had before. But who made ſuch Conditional Settlements of Civil Power upon Princes? Who keeps the ancient Deeds and Records of them? For all the firſt Ages of the Chriſtian Church, this *Conditional Power and Obedience* was never heard of. Not when Emperours were open and declared Infidels or Hereticks. What reaſon can be ſuppoſed more now, then was in the times of *Conſtantius* and *Valens*, that were *Arian* Hereticks? Yet the moſt learned, zealous and orthodox Biſhops of that time never once thought of their loſing their Authority by it: as I could eaſily prove, if the deſign of this Preface would permit me.

Suppoſe there were an Eſcheat of Power made, how comes it to fall into the *Pope*'s hands? If it be by virtue of *Excommunication*, every *Biſhop* that hath Power to *Excommunicate*, will likewiſe have Power to *Depoſe Princes*: and what a fine caſe are Princes in, if their Power lies at the mercy of every inſolent or peeviſh Biſhop? If it be not by the Power of *Excommunication*, by what Power is it that the Prince

Prince is Depoſed by the Pope? Is it by virtue of *Paſce oves*, and *Dabo tibi Claves?* That Prince's caſe is extremely to be pitied, that hath no better Security for his Power, then what the Pope hath for his from thoſe places, in the judgment of the moſt ingenuous perſons of the *Roman* Communion. And it ſeems a very hard caſe, that Princes ſhould loſe their unqueſtionable Rights for the ſake of ſo doubtfull an Authority, at beſt, as that of the *Popes*, eſpecially over Princes, is. And it is ſo much the more hard with them, becauſe no private perſon loſes his Eſtate by Excommunication; and yet Princes muſt loſe their Kingdoms by it.

This is indeed no Court *Holy-water*, nor a deſign to flatter Princes; but ſuch horrible Injuſtice and Partiality, that it is a wonder to me, the Princes of Chriſtendom have not long ſince combined together to dethrone him, who thinks it in his power to depoſe them, thereby making himſelf the *Caliph* of the *Weſtern Babylon*. And ſo, no doubt, they would have done, had it not been for the difference of Intereſts among Chriſtian Princes, that have made ſome therefore ſide with and uphold the *Papal Monarchy*, becauſe others oppoſed it; and every one hopes, at one time or other, to make uſe of it for his own turn. But yet methinks it is their common Intereſt, to ſecure themſelves againſt the prevalency of this dangerous Doctrine on their own *Subjects:* for all thoſe who believe it, are but *Conditional Subjects* to their Princes, for their Obedience depends on the Will and Pleaſure of another, whom they think themſelves bound abſolutely to obey, and yet not bound to believe he did right in Excommunicating and Depoſing

their

their Prince. For they dare not ſay he is Infallible in his Proceedings againſt Princes: ſo that right or wrong they muſt obey the Pope, and diſobey their lawfull Sovereign. If the Pope through Pride, or Paſſion, or Intereſt, or Miſinformation, thunder out Excommunication againſt a Chriſtian Prince, (all which, they ſay, he is capable of in pronouncing this dreadfull Sentence,) then all his Subjects are preſently free from their Allegeance, and they may doe what they pleaſe againſt him. And what a miſerable condition were Sovereign Princes in, if all Chriſtians were ſuch Fools, to think themſelves bound to obey an unjuſt Sentence of the Biſhop of *Rome* againſt their juſt and lawfull Prince? For upon theſe Principles, though the Popes be never ſo much *Parties*, they muſt be the onely *Judges* in this caſe. And what redreſs is to be expected there, where it is ſo much the Intereſt of the perſon concerned, to have it believed he cannot erre?

If theſe were really the terms of Princes being admitted to Chriſtianity, it would make the moſt conſiderable Argument to perſwade them to Infidelity. *For what have they to doe to judge them that are without?* But Princes have no cauſe to be afraid of being Chriſtians for the ſake of this Doctrine: For if *Chriſt* and his Apoſtles were the beſt Teachers of Chriſtianity, this is certainly no part of it. For the Religion they taught never meddled with Crowns and Scepters, but left *to Cæſar the things that were Cæſar's*, and never gave the leaſt intimation to Princes of any Forfeiture of their Authority, if they did not *render to God the things that are God's*. The Chriſtian Religion left mankind under thoſe *Forms*

and *Rules of Civil Government* in which it found them: it onely requires all men, of what rank or order soever, *to be subject to the Higher Powers*, because they are *the Ordinance of God*; and bids all Christians *pray for them in Authority, that under them they may lead quiet and peaceable lives in all godliness and honesty.* Thus far the Christian Religion goes in these matters, and thus the Primitive Christians believed and practised, when their *Religion* was pure, and free from the Corruptions and Usurpations which the Interests and Passions of men introduced in the following Ages. And how then come Princes in these latter times to be *Christians* upon worse and harder terms then in the best Ages of it?

But how doth it appear that Princes do become Christians upon such Conditions, that if the Pope Excommunicate them, they lose their Crowns? What Office of *Baptism* is this contained in? Did their *Godfathers* and *Godmothers* undertake this for them? *No, that is not said, but that it is implied in the nature of the thing.* How so? Is it because Dominion is founded in Grace? *No, not that neither.* But in my mind there is very little difference, between Dominion being founded in Grace, and being forfeited for want of it. And so we are come about to the *Fanatick Principles of Government* again; which this *Deposing power* in the *Pope* doth naturally lead men to.

But this is not all the Mischief of this *Doctrine*; For,

2. It breaks all *Bonds* and *Oaths of Obedience*, how sacred and solemn soever they have been. That we may the better apprehend the pernicious consequence

of

of this Doctrine, we are to conſider, (1.) That there is a mutual Duty owing between *Princes* and *Subjects*, on the account of the Relation between them, ſuch as doth naturally ariſe from it, and antecedently to their embracing the *Chriſtian Religion*. For without an obligation to Obedience on the Subjects part, the Authority of a Prince is an inſignificant thing, and the publick good of the Society cannot be obtained. (2.) That when Subjects are Abſolved from their *Oaths* of *Allegeance* by the *Pope*, they are thereby declared free from that natural Duty they were obliged to before. For *Allegeance* to *Princes* doth not flow from the Relation between them and the People as *Chriſtians*, but as *Members* of a *Civil Society*; and therefore the Abſolving Subjects from that, is in plain terms nulling the Obligation to a natural Duty, and taking away the force of *Oaths* and *Promiſes*. (3.) That all mankind are agreed, that it is a Sin to break a lawfull Oath; and the more ſolemn and weighty the Oath is, the greater the Perjury: but in caſe of the Pope's Abſolving Subjects from their *Oath* of *Allegeance*, it muſt be ſaid, that that which otherwiſe would be a Sin, becomes none; and a notorious Crime becomes a Duty, becauſe done by virtue of the Pope's Authority.

This is that now we are to underſtand, if poſſible, what *Authority* that is in the Pope which can turn *Evil* into *Good*, and *Good* into *Evil*; that can make Civil *Obedience* to Princes to be a Crime, and *Perjury* to be none. This is an admirable *Power*, and greater then the *Schoolmen* will allow to *God himſelf*, where there is intrinſick Goodneſs in the nature of

the thing, and inſeparable Evil from the contrary to it. For, ſay they, *Divine Providence being ſuppoſed, God cannot but forbid thoſe evil actions which natural reaſon diſcovers to be evil: for how can the Hatred of God, or a wilfull Lie, be any other then evil?* The ſame I ſay of Diſobedience to Parents, and violation of Oaths lawfully made; which are things evil in their own nature. The Queſtion now is, whether the *Pope* can doe that which they ſay *God* himſelf cannot, viz. *make Perjury not to be a Sin.* For an *Oath* of *Allegeance* cannot be denied to be a lawfull Oath, and a lawfull Oath lays an obligation on Conſcience to the performance of it, and gives another a juſt right to challenge that *Allegeance* as a *Duty* by virtue of his Oath; and *where-even there is a neceſſary Duty, God himſelf,* ſaith *Aquinas, cannot diſpenſe: for then he would act contrary to the Rule of Eternal Righteouſneſs; which he can never doe.*

Suarez de Legibus l. 2. c. 15. n. 4. 16, &c. Azor. Inſtit. Moral. l. 6. c. 1. dub. 4.

Aqu. 1. 2. q. 100. art. 8.

It is true, they grant, that God, in regard of his Supreme Dominion, can alter the *matter* or *circumſtances* of things; as in *Abraham's ſacrificing his Son upon God's particular Command,* which in thoſe circumſtances was not Murther: *but this,* they ſay well, *is no Diſpenſation with the Law, nor any act of Juriſdiction as a Legiſlator; but onely an act of Supreme Power.* But our Queſtion is onely, about Diſpenſing with the force and obligation of a *Law of Nature,* ſuch as keeping our Oaths undoubtedly is. And ſince *God* himſelf is not allowed the Power of diſpenſing, it ſeems very ſtrange how the *Pope* ſhould come by it; unleſs it were out of a deſire *to exalt himſelf above all that is called God. Thomas Aquinas* ſaith, *that there can be no Diſpenſation to make a man*

2. 2. q. 89. art. 9.

doe

doe any thing againſt his Oath; *for*, ſaith he, *keeping an Oath is an indiſpenſable divine precept: but all the force of a Diſpenſation lies in altering the matter of an Oath, which being variable may be done.*

To clear this, in every Oath are three things to be conſidered: (1.) the Obligation upon the perſon to perform what he ſwears to; (2.) the Right which the perſon hath to challenge that performance to whom the Oath is made; (3.) the intereſt which *God* hath, as Supreme Judge, to ſee to the performance, and to puniſh the breakers of it. Now which of theſe is it the *Pope's Diſpenſation* in a *promiſſory Oath* doth fall upon? Surely the *Pope* doth not challenge to himſelf God's Supreme Power of puniſhing or not puniſhing Offenders; ſo that if men do break their Oaths, if they have the *Pope's Diſpenſation*, they do not fear the puniſhment of Perjured perſons. I am willing to believe this is not their meaning. It muſt therefore be one of the former. But then how comes the *Pope* to have power to give away another man's *natural Right?* A man ſwears *Allegeance* to his *Prince*, by virtue of which *Oath* the *Prince* challenges his *Allegeance* as a ſworn *Duty*: and ſo it is according to all Rules of common Reaſon and Juſtice. The Pope he diſpenſeth with this Oath, and abſolveth the perſon from this *Allegeance*; *i.e.* the Pope gives away the Prince's Right whether he will or no. Is not this great Juſtice, and infinitely becoming *God's Vicar upon earth?* But how came the Pope by that Right of the Prince which he gives away? The Right was a juſt and natural Right, belonging to him on a meer civil account: what Authority then hath the Pope to diſpoſe of it? May he not as well give away all

the juſt Rights of men to their Eſtates, as thoſe of Princes to their Crowns?

The very plain Truth is, the Defenders of the Pope's *indirect* Power are forced to ſhuffle and cut, and make unintelligible diſtinctions, and in effect to talk non-ſenſe about this matter. The onely men that ſpeak ſenſe are thoſe who aſſert the Pope in plain Terms to have a *direct Temporal Monarchy*, and that all Kings are their Subjects and Vaſalls; and therefore they may diſpoſe of their Crowns, and doe what they pleaſe with them. We know what theſe men would have; and if Princes be tame enough to ſubmit to this Power, they own the Pope as their true Sovereign Lord, and muſt rule, or not rule, at his Pleaſure. But it is impoſſible for thoſe who contend onely for Spiritual Juriſdiction in the Pope, to defend his Power of Abſolving Subjects from their Allegeance to Princes, ſince this Power of altering the matter is not an act of *Juriſdiction*, but of *meer Power*, as was ſaid before as to God himſelf in the caſe of *Abraham*. Therefore thoſe who contend onely for the Pope's diſpenſing with *Oaths* of *Allegeance* on the account of his Spiritual Juriſdiction, can never juſtify the giving away the natural Rights of Princes; for that is an act of *Power*, and not of *Juriſdiction*. And *Cajetan* well obſerves, that *the relaxation of an Oath by altering the matter, is an act of direct Power, becauſe the thing it ſelf is immediately under the power of the perſon; as in a Father over his Son, or a Lord over his Vaſſall:* and therefore the Diſpenſing with the *Oath* of *Allegeance* cannot be by the *alteration of the matter*, unleſs a *direct Power* over Princes be aſſerted.

Cajetan. in 2. 2. q. 89. art. 9.

Cajetan

Cajetan lays down a good Rule about Dispensing with Oaths, that *in them we ought to see that no prejudice be done to the person to whom and for whose sake they are made: and therefore*, he saith, *the Pope himself hath not that Power over Oaths, which he hath over Vows.* And yet *Maldonat* saith, that *neither the Pope, nor the whole Church, can dispense in a solemn Vow: and that a Dispensation in such cases is no less then an Abrogation of the Law of God and Nature.* *Dominicus à Soto* saith, that *although the Pope may dispense in a Vow, yet he cannot in an Oath. For*, saith he, *the Pope cannot relax an Oath which one man hath made to another of paying to him what he owes him: which ariseth from the nature of the Contract which is confirmed by an Oath. The Pope having not the Power to take away from another man that which doth belong to him, cannot doe him so much injury as to relax the Oath which is made to him. And in the loosing of Oaths, care ought to be taken that there be no injury to a third person.* Afterwards he puts this case, whether if the Pope dispenses with an Oath without just cause, that Dispensation will free a man from Perjury. Which he denies, for this Reason, *because a Dispensation cannot hold in the Law of God or Nature. Therefore since it is a Law of God, that a man should perform what he swears, although that Bond doth arise from the will and consent of the party, yet it cannot be dissolved without sufficient Reason.* But what reason can be sufficient, he determines not. However, we have gained thus much, that

In juramentis oportet respicere ad præjudicium hominis cui factum est, & in cujus favorem factum est. Id. ib.

Maldonat. Summul. qu. 12. art. 7. q. 13. art. 21.

Etsi mero quamvis Papa dispensare valeat in Voto, quod est majus, non tamen in Juramento, quod est minus. Haud enim relaxare potest Juramentum quod homo homini præstitit, ut solvendi quod ei debeat. Soto De justit. & jure l. 8. q. 1. art. 2.

that the Pope cannot take away the Right of a third person; which he must doe, if he can Absolve Subjects from their *Allegeance* to their Prince, which is as much due to him, as a summe of money is to a *Creditor*.

I grant, after all this, that *Cajetan* and *Sota* both yield to the common Doctrine of their Church, *about Dispensing with Oaths made to Excommunicated persons, by way of punishment to them:* but they do not answer their own Arguments. And *Cajetan* saith, *that caution is to be used, lest prejudice be done to another by it: i. e.* they durst not oppose the common Opinion, although they saw sufficient Reason against it.

Cardinal *Tolet* seems to speak home to our case, when he saith, *that an Oath made to the benefit of a third person cannot be dispensed with, no not by the Pope himself, without the consent of that person; as the Pope cannot take away another man's goods.* One would have thought this had been as full to our purpose as possible; and so it is as to the Reason of the thing. But he brings in after it a scurvy exception of *the case of Excommunicated persons*, without offering the least shew of Reason why the common *Rules of Justice* and *Honesty* ought not to be observed towards persons censured by the Church: Nor doth he attempt to shew, how the Pope comes by that Power of Dispensing with Oaths in that case, which he freely declares he hath not in any other.

Quando autem est juramentum in alicujus tertii utilitatem, non potest absque voluntate tertii etiam à Papa dispensari; sicut nec Papa potest auferre rem alterius. Tolet. Summa Casuum l. 4. c. 29. n. 1.

Gregory Sayr thinks he hath nicked the matter, when with wonderfull subtilty he distinguisheth be-

Clavis Regia Cas. Consc. l. 6. c. 11. n. 11.

tween

tween the free act of the will in obliging it ſelf by an Oath, and the Obligation following upon it, to perform what is ſworn. Now, ſaith he, *the Pope in Diſpenſing doth not take away the ſecond, viz. the Obligation to perform the Oath, the Bond remaining, for that were to go againſt the Law of God and Nature; but becauſe every Oath doth ſuppoſe a Conſent of the will, the Diſpenſation falls upon that, and takes away the force of the Oath from it.*

If this Subtilty will hold, for all that I can ſee, the Pope may diſpenſe with all the Oaths in the world, and juſtify himſelf upon this Diſtinction: for, as *Azorius* well obſerves, *if the Reaſon of Diſpenſing be drawn from the Conſent of the will, which is ſaid to be ſubject to the Pope, he may at his pleaſure diſpenſe with any Oath whatſoever.* *Sayr* takes notice of *Azorius* his diſſatisfaction at this Anſwer, but he tells him to his teeth, *that he could bring no better; yea, that he could find out no Anſwer at all.* *Azorius* indeed acknowledges *the great difficulty of explaining this Diſpenſing power of the Pope as to Oaths; and concludes at laſt, that the Bond of an Oath cannot be looſed by the Pope, but for ſome Reaſon drawn from the Law of Nature; which is in effect to deny his Authority: for if there be a Reaſon from the Law of Nature againſt the obligation of an Oath, the Bond is looſed of it ſelf.* *Azor.* Inſtit. Mor. l. 6. c. 1. *Quarto quæritur.*

Others therefore go the plaineſt way to work, who ſay, that *all Oaths have that tacit Condition in them, If the Pope pleaſe.* But *Sayr* thinks this a little too broad; becauſe then it follows evidently, that *the Pope may diſpenſe as he pleaſes without cauſe; which,* he ſaith, *is falſe.*

Others again have found out a notable device of diſtingui-

Widdrington Disp. Theolog. c. 6. sect. 3. n. 1, 2, 3.

tinguishing between *the Obligation of Justice, and of Religion, in an Oath*; and say, that *the Pope can take away the Religious Obligation of an Oath, though not that of Justice.* This *Widdrington* saith *was the Opinion of several grave and learned Catholicks in England; and therefore they said they could not renounce the Pope's Power of absolving persons from the Oath of Allegeance.* But he well shews this to be a vain and impertinent Distinction, because the intention of the *Oath of Allegeance* is, to secure the *Obligation of Justice*; and the intention of the *Pope* in *Absolving* from *that Oath* is, to *take it away*: as he proves from the famous *Canons*, *Nos Sanctorum*, and *Juratas*. So that this Subtilty helps not the matter at all.

Theolog. Moral. l. 4. tr. 3. c. 11. n. 5.

Paul Layman confesseth, that *a promissory Oath made to a man cannot ordinarily be relaxed without the consent of the person to whom it is made: because by such an Oath a man, to whom it is made, doth acquire as just a right to the performance, as he hath to any of his Goods, of which he cannot be deprived.* But from this plain and just Rule he excepts, as the rest do, *the publick Good of the Church*; as though Evil might be done for the *Good* of the *Church*, although not for the *Good* of any private person: whereas the *Church's* Honour ought more to be preserved by the ways of *Justice* and *Honesty*.

Wo be to them that make good evil, and evil good, when it serves their turn; for this is plainly setting up a particular Interest under the name of the *Good of the Church*, and violating the *Laws* of *Righteousness* to advance it. If men break through *Oaths*, and the most solemn Engagements and Promises, and regard no Bonds of *Justice* and *Honesty*, to compass

their

their ends, let them call them by what ſpecious names they pleaſe, *the Good Old Cauſe*, or *the Good of the Church*, (it matters not which,) there can be no greater ſign of Hypocriſy and real Wickedneſs then this. For the main part of true Religion doth not lie in Canting phraſes, or Myſtical notions, neither in Specious ſhews of Devotion, nor in Zeal for the true Church: but *in Faith*, as it implies the *performance* of our *Promiſes*, as well as *belief* of the *Chriſtian Doctrine*; and in *Obedience*, or a carefull obſervance of the *Laws* of *Chriſt*, among which, *Obedience to the King as Supreme* is one: Which they can never pretend to be an inviolable Duty, who make it in the power of another perſon to Abſolve them from the moſt ſolemn *Oaths* of *Allegeance*; and conſequently ſuppoſe, that to keep their *Oaths* in ſuch caſe, would be a *Sin*, and to violate them may become a *Duty*: which is in effect to overturn the natural differences of *Good* and *Evil*, to ſet up a *Controlling Sovereign Power* above that of their *Prince*, and to lay a perpetual Foundation for *Faction* and *Rebellion*; which nothing can keep men from, if *Conſcience* and their *ſolemn Oaths* cannot.

3. Therefore the third Miſchief common to this *Depoſing power* of the Pope and *Commonwealth-Principles*, is, the Juſtifying *Rebellion* on the account of *Religion*. This is done to purpoſe in *Boucher* and *Reynolds*, the fierce Diſputers for the *Pope's* and the *People's Power*.

Boucher ſaith, that *it is not onely lawfull to reſiſt Authority on the account of Religion; but that it is folly and impiety not to doe it, when there is any probability of ſucceſs. And the Martyrs were onely to be commended*

De juſta Abdicat. Henr. 3. l. 1. c. 3. n. 4.

ded for Suffering, because they wanted Power to resist. Most Catholick and Primitive Doctrine! And that *the Life of a Wicked Prince ought not to be valued at that rate as the Service of God ought to be:* That *when Christ paid tribute to Cæsar, he did it as a private man, and not meddling with the Rights of the People:* That, *if the People had not exercised their Power over the lives of bad Princes, there had been no Religion left in many Countries.* And he finds great fault with the Catholicks in *England*, that *they suffered Heretical Princes to live*; and saith, *that they deserved to endure the miseries they did undergo, because of it: that there is no juster cause of War, then Religion is: that the Prince and People make a solemn League and Covenant together to serve God, and if the Prince fail of his part, the People ought to compell him to it.* And he accounts this a sufficient Answer to all Objections out of *Scripture, If he will not hear the Church, (how much more if he persecutes it?) let him be to thee as a Heathen or a Publican.* And he brings all the *Examples* he could think of to justify *Rebellion* on the account of *Religion.*

c.18. p.33, 34.

c.25. p.51, 52, &c.

c. 26, 27, 28.

Rossæus proves, that *Hereticks, being Excommunicated, lose all Right and Authority of Government; and therefore it is lawfull for their Subjects to rise up against them; and that no War is more just or holy then this.* Which he endeavours at large to defend, and to answer all *Objections* against it. *And the contrary Opinion*, he saith, *was first broached by the Calvinists in France, when they had the expectation of the Succession of Henry* IV. which Doctrine he calls *Punick Divinity*, and *Atheism*, and the *New Gospel.* The truth is, he doth sufficiently prove *the Lawfulness of resisting*

Rossæus De justa Reip. Christian. Author. in Reges impios & hæret. c. 9. n. 1.

pag. 604, 608.

n.7. p.616.

Princes

Princes on the account of Religion to have obtained together with the Pope's Power of depoſing Princes.

And there can be no other way to juſtifie the *Wars* and *Rebellions* againſt *Henry* IV. of *Germany*, and *France*, and other Princes, after their Excommunications by the Pope, but by ſtifly maintaining this Principle, of the Lawfulneſs of reſiſting Authority on the account of Religion. And therefore this cannot be looked on as the Opinion of a few factious ſpirits, but as the juſt conſequence of the other Opinion. For the *Pope's Depoſing power* would ſignifie very little, unleſs the *People* were to follow home the blow, and to make the Pope's Thunder effectual, by actual Rebellion. And the Popes underſtand this ſo well, that they ſeldom denounce their Sentence of Excommunication againſt Princes, but when all things are in readineſs to purſue the deſign; as might be made appear by a particular Hiſtory of the ſeveral *Excommunications* of *Princes*, from the Emperour *Henry* IV. to our own times. If they do forbear doing the ſame things in our Age, we are not to impute it to any alteration of their minds, or greater Kindneſs to Princes then formerly, but onely to the not finding a fit opportunity, or a Party ſtrong and great enough to compaſs their ends. For they have learnt by experience, that it is onely loſs of Powder and Ammunition, to give fire at too great a diſtance; and that the noiſe onely awakens others to look to themſelves: but when they meet with a People ready prepared for ſo good a Work, as the *Nuntio* in *Ireland* did, then they will ſet up again for this *Good Old Cauſe* of *Rebellion* on the account of *Religion*.

And it is observable, that *Cardinal Bellarmin*, among other notable *Reasons* to prove the *Pope's Deposing power*, brings this for one; *Because it is not lawfull for Christians to suffer an Heretical Prince, if he seeks to draw his Subjects to his Belief.* And what Prince that believes his own Religion doth it not? And what then is this, but to raise Rebellion against a Prince, whenever he and they happen to be of different Religions?

De Rom. Pontif. l. 5. c. 7. tertia Ratio.

But that which I bring this for, is to shew, that the *Pope's Deposing power* doth carry along with it that mischievous Principle to Government, of the *Lawfulness of resisting Authority on the account of Religion.* And from this Discourse I infer, that there can be no real Security given to the Government, without renouncing *this Deposing power in the Pope.*

But that which is the present pretence among them, is, that it is not this they stick at; but the quarrel they have at the *Oath* of *Allegeance*, as it is now framed. I shall therefore proceed to the Second thing, *viz.*

II. That if they do renounce the *Pope's Deposing power* in good earnest, they have no reason to refuse the *Oath* of *Allegeance.* And now, Gentlemen, I must again make my Address to you, with great thanks for the satisfaction you have given me in this particular. I have seriously read and considered your *Treatises*; and I find by them all, that if you durst heartily renounce this *Doctrine*, all the other parts of the *Oath* might go down well enough. The *Authour* of the *First Treatise* is so ingenious, as to make the following Proposition the whole Foundation of his *Discourse*; *viz. That it is not lawfull to take any Oath or Protestation*

First Treatise, p. 1.

ſtation renouncing the Pope's Power, in any caſe whatſoever to Depoſe a Chriſtian Prince, or Abſolve his Subjects from their Allegeance. And in my mind he gives a very ſubſtantial Reaſon for it, *Becauſe the holding that he hath no ſuch Power is Erroneous in Faith, Temerarious, and Impious.* What would a man wiſh for more againſt any Doctrine? Whatever *P. W.* and his Brethren think of this *Depoſing power*, this Piece doth charge them home, and tells them their own; and that they are ſo far from being ſound Catholicks that deny it, that, in one word, they are *Hereticks*, damnable *Henrician Hereticks*. What? would they be thought *Catholicks that charge the Church, for ſo many Ages, with holding a damnable Error, and practiſing mortal Sin?* as their Church hath done, if the Pope hath no Depoſing power. For this honeſt Gentleman confeſſeth, *That it is a Doctrine enormouſly injurious to the Rights of Princes, and the cauſe of much deadly Feud betwixt the Church and Secular States, of many bloudy Wars of Princes one againſt another, and wicked Rebellions of Subjects againſt their Princes.* O the irreſiſtible power of Truth! How vain is it for men to go about to Maſquerade the Sun! His light will break through and diſcover all. It is very true, this hath been the effect of this bleſſed Doctrine in the Chriſtian world; *Seditions, Wars, Bloudſhed, Rebellions*, what not?

pag. 5.

pag. 2.

But how do you prove this to have been the *Doctrine* of the Church of *Rome?* *How?* ſay you; by all the ways we can prove any Doctrine *Catholick*. *Popes have taught it from Scripture and Tradition, and condemned the contrary as Erroneous in faith, Pernicious to ſalvation, wicked Folly and Madneſs, and in-*

flicted

ſtifled Cenſures on them that held it. Have they ſo in good ſooth? Nay then, it muſt be as good *Catholick Doctrine* as *Tranſubſtantiation* its own ſelf; if it hath been declared in *Councils*, and received by the
pag. 3,4,5. *Church.* Yes, ſay you, that I prove *by the very ſame Popes, the ſame Councils, the ſame Church, and in the ſame manner that Tranſubſtantiation was.* And for my part I think you have done it, and I thank you for it. I am very well ſatisfied with your Proofs, they are very ſolid, and much to the purpoſe. But above
pag. 13. all I commend your Concluſion, *That if this Doctrine be an Errour, the Church of Rome for ſeveral Ages was a wicked and blind Church, and a Synagogue of Satan: and if it were no Errour, they that now call it an Errour are wicked Catholicks, and in damnable Er-*
pag. 14. *rour. Nor though all the Doctours of Sorbon, all the Parliaments and Univerſities of France, all the Friers or Blackloiſts in England or Ireland, all the Libertines, Politicians and Atheiſts in the world, ſhould declare for it, could it ever be an Authority to make it a probable Opinion.* Bravely ſpoken, and like a true Diſciple of *Hildebrand!*

Hear this, O ye *Writers* of *Controverſial Letters*, and beware how ye fall into theſe mens hands. You may cry out upon theſe Opinions as long as you pleaſe, and make us believe your *Church* is not concerned in them: but if this Good man may be credited, you can never find Authority enough to make your Opinion *ſo much as Probable.* A very hard caſe for Princes, when it will not be allowed ſo much as *probable*, that Princes ſhould keep their Crowns on their Heads, if the Pope thinks fit to take them away; or that Subjects ſhould ſtill owe Allegeance

to

to Princes, when the Pope abſolves them from it! Very hard, indeed, in ſuch an Age of *Probable Doctrines*, when ſo ſmall *Authority* goes to make an Opinion *Probable*, that this againſt the *Pope's Depoſing power* ſhould not come within the large ſphere of *Probability*.

Hear this, ye *Writers* of *Apologies* for *Papiſts Loyalty*, who would perſwade us, ſilly people of the *Church* of *England*, *that this Doctrine of the Pope's Power of depoſing Princes is onely the Opinion of ſome Doctours, and not the Doctrine of your Church*; when this Learned Authour proves, you have as much Reaſon and Authority to believe it, as that *Tranſubſtantiation* is the *Doctrine* of it; and Father *Caron's* 250 *Authours* cannot make the contrary Opinion *ſo much as Probable*; *this having been for ſome Ages (one at leaſt) the common Belief, Senſe and Doctrine of the Church*, as our Authour ſaith. From whence it follows, it muſt have been always ſo; or elſe *Oral Tradition* and *Infallibility* are both gone. For how could that be the Doctrine of one Age which was not of the precedent? What? did Fathers conſpire to deceive their Children then? Is it poſſible to ſuppoſe ſuch an alteration to happen in the Doctrine of the Church, and yet the Church declare to adhere to *Tradition* at that time? If this be poſſible in this caſe, then, for all that we know, that great *Bugbear* of *Tranſubſtantiation* might ſteal in in the dark too. And ſo farewell *Oral Tradition*. But how can *Infallibility* ſtand after it, when the *Church* was ſo enormouſly deceived for ſo long together, as this Authour proves it muſt have been, if this *Doctrine* be falſe? If the *Blackloiſts* in *England* and *Iriſh Remonſtrants* do not

Cathol. Apology, pag. 121, 122.

Pag. 13.

all vanish at the appearance of this *Treatise*, and yield themselves *Captives* to this smart and pithy Authour, I expect to see some of them concerned for their own Vindication, so far, as to answer this short Treatise: but I beseech them then, to shew us the difference between the coming in of *Transubstantiation* and this *Deposing doctrine*, since the *same Popes*, the *same Councils*, and *the same Approbation of the Church*, are produced for both.

This is all I have to say of this *First Treatise*, whose Authour I do highly commend for his plain dealing; for he speaks out what he really thinks and believes of this *Doctrine* of *the Pope's Power of deposing Princes*. But I am no sooner entred upon the *Second Treatise*, but I fansy my self in *Fairy-land*, where I meet with nothing but phantastick Shows and Apparitions: when I go about to fasten upon any thing, it is immediately gone; the little *Fairy* leaps up and down, and holds to nothing, intending onely to scare and affright his party from the *Oath* of *Allegeance*; and when he hath done this, he disappears.

Treat. 2. p. 2.

The Substance of the Oath (saith *the Authour of the Questions*, whom he pretends to answer,) *is, the Denying and Abjuring the Pope's Power of deposing Princes.* This is plain, and home to the purpose; what say you to this? Is this Doctrine true, or false? may it be renounced or not? *Hold*, say you; *For my part, it is as far from my thoughts, as forein to my present purpose, to speak any thing in favour of this Deposing power.* Is it indeed forein to your purpose, to speak to the Substance of the Oath? *No*, say you, *the Substance of the Oath is contained in this Question,*

Whether

Whether a Catholick may deny by Oath, and univerſally abjure, the Pope's Power to depoſe Princes: not, Whether he may deny it, but, Whether he may deny it by Oath. And the great Argument to prove the Negative is, *that it hath been a Queſtion debated for 500 years, and no clear and authoritative Deciſion of the Point yet appeareth, to which both ſides think themſelves obliged to ſtand and acquieſce.* Pag. 3. Pag. 4.

Where are we now? Methinks we are ſailing to find *O Braſil.* We thought our ſelves as ſure as if we had got the Point, in the *Firſt Treatiſe*, a good firm, ſolid, ſubſtantial Point of Faith; and now, all of a ſudden, it is vaniſhed into clouds and vapours, and armies fighting in the air againſt each other. Is it poſſible for *the Senſe, Belief and Doctrine of the Church*, as the *Firſt Authour* aſſures us it was, to become ſuch a *Moot-point*, always diſputed, never decided? *This hath been the common received Doctrine of all School-Divines, Caſuiſts, Canoniſts, from firſt to laſt, (afore* Calvin's *time,) in all the ſeveral Nations of Chriſtendom, yea even in France it ſelf; and neither* Barclay, *nor* Widdrington, *nor* Caron, *nor any other Champion for the contrary Tenet, hath been able yet to produce ſo much as one Catholick Authour, (afore* Calvin's *time,) that denied this Power to the Pope abſolutely, or in any caſe whatſoever.* Thus the *Authour* of the *Firſt Treatiſe*. *Since it is but more undeniably evident then all good men have cauſe to wiſh, and that Experience, the eaſieſt and cleareſt of Arguments, puts it too ſadly beyond diſpute, that this grand Controverſie, Whether the Pope hath any Power or Authority to depoſe Princes, for any cauſe, pretence or exigency whatſoever, hath been for divers Ages, from time to time, diſputed* First Treatiſe, p. 13. Second Treat. p. 41

in the Schools by Speculative men, and is to this day, among Catholick Controvertiſts, and Catholick Princes too; as the *Authour* of the *Second Treatiſe* confeſſeth.

What ſhall I ſay to you, Gentlemen, when you thus flatly contradict each other? How come you to be ſo little agreed upon your Premiſſes, when you joyn in the ſame Concluſion? There is ſome *myſterie* in this, which we are not to underſtand. This I ſuppoſe it is. Among thoſe who may be truſted, this is an *Article of faith*, and for ſuch the *Firſt Treatiſe* was written. But for the ſake of ſuch who would ſee too far into theſe things, we muſt not own it, for fear we loſe ſome *Reſidences*, and *Patrons* of the *Nobility* and *Gentry*: therefore among theſe we muſt not own it as an *Article of faith*, but as a *Controverted Point*. How then, ſay ſome of the *Fathers* of the *Society*, ſhall we keep them from taking the *Oath* of *Allegeance*? and if we do ſuffer them to doe that, farewell to our Intereſt in *England*; *P.W.* and the *Blackloiſts* will prevail. *Come, come*, ſaith Father *W. never fear, I have a Topick will ſcare them all, though we own it as a Controverted Point.* What is that? ſay they with great Joy. *Let me alone*, ſaith he to them, *I will prove them all guilty of Perjury, if they take the Oath, becauſe it is a Controverted Point.* Excellent! they all cry, this will doe our buſineſs in ſpite of them.

Let us now come near, and handle this mighty Argument, that we may diſcern whether it be a mere Spec-
Pag. 5. tre, or hath any fleſh and bones. *The Oath of Allegeance is a mixt Oath, partly aſſertory, and partly promiſſory. In an Aſſertory Oath it is eſſentially requiſite, that what we do ſwear be undoubtedly and unqueſtionably true.* Very well; but ſuppoſe a perſon doth in his conſci-

conſcience believe that the Pope cannot *Depoſe Princes*, nor *Abſolve Subjects* from their *Allegeance*; may not ſuch a man ſwear it without Perjury? *No*, ſays our good Father; *A man may ſwear againſt his Conſcience, not onely when he doubts, but when he hath juſt cauſe to doubt.* How is that? good Sir; when other men ſee that he hath cauſe to doubt, or when himſelf ſees it? If he ſees himſelf that he hath cauſe to doubt, he doth not believe in his Conſcience that to be ſo as he ſwears it is; for how can a man firmly believe that, which he ſees cauſe to doubt? If he ſees none himſelf, what is that to his Conſcience, if others think they do; if he does not think his Conſcience bound to be ſwayed by their Authority? Pag. 6.

But the *Myſterie* of this *Jeſuitiſm* is, that no Gentlemen ought to have judgments of their own in theſe matters, but to be ſwayed by the extrinſick Authority of their Teachers. And therefore if *they* ſay, they have cauſe to doubt, they muſt doubt, whether they do or no. If Gentlemen of freer underſtandings and education allow themſelves the liberty to enquire into theſe matters, they preſently ſee through all this Tiffany Sophiſtry, and find the thing ſtill carried on is meer blind Obedience; although in following the conduct of ſuch ſelf-intereſted Leaders they run themſelves into continual Difficulties. If a man be ſatisfied in his Conſcience, the Pope hath no *Depoſing power*, according to the Rules of their own beſt Caſuiſts, he may lawfully abjure it.

The truth required in an Oath, ſaith *Cardinal Tolet*, is, *that by which a man ſpeaks that which he thinks in his heart; and to ſwear falſly is, to ſwear otherwiſe then one thinks. And to ſwear otherwiſe then a thing* Summa Caſ. lib. 4. c. 21. n. 3.

really is, provided he think it to be so, is neither mortal nor venial sin; but (1.) in case a man hath not used diligence to enquire; and to this he doth not require the *utmost*, but onely *some* and *convenient diligence: (2.) if he be doubtfull in his mind when he swears, and yet swears it as certain: (3.) when he is ready to swear, although he knew the thing to be otherwise.*

Suarez De virtut. Relig. To. 2. tract. 4. l. 1. c. 9. n. 4.

Suarez saith, that *in an Assertory Oath, the Truth confirmed by it lies in the conformity of the Assertion to the mind of the Speaker, rather then to the Thing it self; so that if a man thinks it false which he swears, although it be really true, he is guilty of Perjury: and so on the contrary, if a man swears a thing really false, which he invincibly thinks to be true, he is not guilty of Perjury, but swears a lawfull Oath, according to the doctrine of S. Augustine and S. Thomas.* By *invincibly*, *Suarez* means no more then *Tolet* doth by

l. 3. c. 5. n. 3.

thinking so after convenient diligence. For *Suarez* lays down this Rule afterwards, that, *When a man swears what is really false, but he thinks it true, if his thinking be joyned with sufficient care, and a probable opinion of the truth,* (mark that) *he is free from the guilt of Perjury. This* he saith *is the common and expres Doctrine, and built upon this ground, Because the Truth and Falshood of an Oath doth not so much relate to the Matter sworn, as to the Mind and Conscience of him that swears.*

Soto De justit. & jure l. 8. quæst. 2. art. 3. concl. 6.

Dominicus Soto determines this case very plainly: *If a man swears that to be true, which he thinks so, after due enquiry, though it be false, he doth not sin at all.* And *the measure of diligence* he proportions *to the nature and quality of the Thing, which is therefore left to prudence and discretion.*

Jacobus

Jacobus de Graſſis hath this Aſſertion; *He that ſwears a thing to be true, which he thinks ſo, although it be really falſe, ſins not, unleſs he neglected to uſe that diligence which he was bound to uſe: and according to the greatneſs of that neglect, the meaſure of his ſin is to be taken.* *Jacob. de Graſſis deciſ. aure. l. 2. c. 16. n. 8.*

Greg. *Sayr* ſaith, that *to a lawfull Aſſertory Oath no more is required, then the agreement of what a man ſaith with the inward ſenſe of his mind, according to the reaſonable judgment a man paſſes upon what he ſwears.* Which words are taken out of *Gregory de Valentia.* *Sayr* Clav. Reg. lib. 5. c. 4. n. 2. *Greg. de Valentia* Tom. 3. Diſ. 6. queſt. 7. punct. 3.

Qui non videt, vel dubitat eſſe falſum quod jurat, perjurus non eſt, ſaith *Vaſquez*; *He that doth not ſee, or doubt that to be falſe which he ſwears, is not guilty of Perjury.* Which words are quoted and approved by *Layman*; *becauſe all Perjury muſt have its foundation in a Lie.* And, ſaith he, *he that ſwears in an Aſſertory Oath, doth not affirm the certainty of his own knowledge, but directly the very thing which he ſwears.* Nay he farther ſaith, that *where the Matter ſworn is capable of no more then Probability, a man may lawfully ſwear the truth according to that degree of certainty which the thing will bear; although it ſhould happen to be otherwiſe then he thinks.* *Vaſquez* 1. 2. Diſp. 127. c. 3. *Layman* Theol. Mor. l. 4. tr. 3. c. 14. n. 4, 5.

So that, according to the common and received Doctrine of their own *Caſuiſts*, the foundation of this *Second Treatiſe* is falſe, (as might be ſhewed by many more teſtimonies, if theſe were not ſufficient,) which is, That ſince this Doctrine about the *Pope's Depoſing power* hath no *infallible certainty* in it, a man cannot atteſt the truth or falſhood of it by an *Oath.*

Which was the more ſurpriſing to me, conſidering how

how uſual it is among your ſelves, to ſwear to ſuch Opinions of which you cannot pretend to infallible certainty by any evidence of Faith, or authoritative Deciſion of the Church. What think you of the *Doctrine* of *Thomas Aquinas*? are there no mere Opinions, undecided by the Church, in his Works? is there infallible certainty in of all them? I do not think any *Jeſuit* in the world will ſay ſo, for a reaſon every own knows; becauſe his *Order* holds the direct contrary in ſome Points. And yet the *Dominicans* ſwear to maintain S. *Thomas* his *Doctrine*. What think you of the *Immaculate Conception*, which ſo many *Univerſities* have *ſworn to maintain*, as *Luc. Wadding* hath ſhewed at large? and yet all theſe Oaths were made before any authoritative Deciſion of the Church.

Legatio de Concept. Virg. Mariæ tract. 13.

One of you hath found out an evaſion for this, by ſaying, that *it is one thing to ſwear to maintain a Doctrine as true, and another to ſwear to it as true.* I cry you mercy, Gentlemen: I had thought no perſons would have ſworn to maintain a falſhood; or to defend that as true, which at the ſame time they believed or ſuſpected not to be true. Why may not you then ſwear that you will maintain, *the Pope hath no Power to depoſe Princes*, when your *Prince* requires it, as well as ſwear to maintain the *Immaculate Conception*, when the *Univerſity* requires it, whatever your private Opinion be? But to prevent this ſubterfuge, *Wadding* ſaith from *Surius*, that *the Univerſity of Mentz would admit none to any degree in Divinity, without ſwearing that he would neither approve nor hold in his mind any other Opinion.* What think you now of ſwearing to the truth of an Opinion not decided by the Church,

Third Treatiſe par. 69. & 68.

Wadding p. 402.

Church, upon the beſt probable reaſons that can be given for it? And therefore all this outcry about *Perjury*, was onely to frighten and amuſe, and not to convince, or ſatisfy.

The reſt of that *Treatiſe* conſiſts of impertinent Cavills againſt ſeveral Expreſſions in the *Oath* of *Allegeance*; which ought to be underſtood according to the *intention* of the *Law-givers*, the *reaſon* and *deſign* of the *Law*, and the *natural ſenſe* of the *words*: and if they will but allow theſe as the moſt reaſonable ways of interpreting Laws, all thoſe Exceptious will be found too light to weigh down the balance of any tolerable judgment, and have been anſwered over and over from the days of *Widdrington* to the *Authour* of the *Queſtions*; and therefore I paſs them over, and leave them to any who ſhall think it worth their pains to make a juſt Anſwer to them.

The *Third Treatiſe* is written by a very *Conſidering* man, as any one may find in every Page of it. He bids his Readers *conſider* ſo much, as though he had a mind to have them ſpend their days in *conſidering* the *Oath*, without ever *taking* it. As he had, that deſired time to *conſider* the *Solemn League* and *Covenant*; and when he was asked, how long time he would take for it, he told them, but a little time: for he was an old man, and not likely to live long.

But what is it which this perſon offers, which is ſo *conſiderable*? His main Argument is, *from the Pope's Authority prohibiting the taking this Oath expreſsly, at ſeveral and diſtant times, and after the moſt ample information, and the Writings on both ſides*: it being *a thing belonging to the Pope's Authority, as Spiritual* Third Treatiſe, p. 46, &c.

Governour, and not to the Civil Power, to determine. This is an Argument I muſt leave to thoſe to anſwer, who think themſelves obliged to juſtify the *Pope's Authority*, and to diſobey it at the ſame time.

Warmington's Moderate Defence, pag. 44.

To this ſome anſwer, "That the *Pope's Prohibition* "*on* proceeding on a *falſe Suppoſition*, and a *private* "*Opinion* of his own, *viz. that there are ſome things* "*in the Oath repugnant to Faith*, they are not bound "to obey it; becauſe it belongs not to the *Pope*, "without a *Council*, to determine matters of Faith: "That the Popes have ſometimes required very un- "juſt and unreaſonable things, of which *Warmington* "gives ſome notable inſtances of his own knowledge: "That *Obedience* to all Superiours is limited within "certain bounds, which if they exceed, men are not "bound to obey them: That the very Canoniſts and "Schoolmen do ſet bounds to the *Pope's* Authority: "as (1.) when great miſchief is like to enſue by his "Commands; ſo *Franciſc. Zabarell, Panormitan, Syl-* "*veſter*, and others: (2.) when injury comes to a "third perſon by it; ſo Card. *Tolet, Panormitan, So-* "*to*, &c. (3.) when there is juſt cauſe to doubt the "Lawfulneſs of the thing commanded; ſo Pope *Adri-* *Widdrington adverſ. Schulken. p. 194, &c.* "*an, Vaſquez, Navarr*, and others cited by *Widdring-* "*ton*: (4.) when he commands about thoſe things "wherein he is not Superiour; ſo *Tolet* determins, "*A man is onely obliged in thoſe things to obey his Su-* "*periour, wherein he hath Authority over him.* Now, "ſay they, we having juſt cauſe to doubt, whether "the Pope may command us in things relating to our "*Allegeance*, and apparent Injury coming to Prin- "ces by owning this Doctrine, and much Miſchief "having

"having been done by it, and more deſigned, as the "*Gunpowder-Treaſon*, the true Occaſion of this *Oath:* "it is no culpable Diſobedience to take the *Oath* of "*Allegeance*, notwithſtanding the Pope's Prohibiti- "on. And upon the very ſame Grounds and Reaſons "which made the King's Royal Anceſtours, with "their Parliaments, to limit the Pope's Authority in "*England*, in the ancient Statutes of *Proviſors* and "*Præmunire*, His *Majeſtie*'s Grandfather might, with "his Parliament, enact that Law which requires the "taking of the *Oath* of *Allegeance:* and how comes "ſuch Diſobedience in *Temporals*, ſay they, to be now "more repugnant to *Catholick Religion*, then it was "in thoſe days? Nay, in thoſe times it was good Doc- "trine, that when a Diſpute aroſe, whether a thing "did belong to the Civil or Eccleſiaſtical Power to "judge, the Civil Power hath made Laws, and de- "termined it, and the Subjects did ſubmit to the "Civil Authority.

Reflections on the Oaths of Supremacy and Allegeance, n. 98.

This and much more might be ſaid to ſhew the inconſequence of this Argument, upon which the ſtreſs of the *Third Treatiſe* lies: but I leave the full Anſwer to thoſe that are concerned. The plaineſt, ſhorteſt and trueſt Anſwer is, That the Pope hath no Juriſdiction over us, either in *Spirituals* or *Temporals*. But this is ſufficient to my purpoſe, to ſhew, that if they would renounce the *Pope's Depoſing power*, there is nothing elſe, according to the Principles of their own *Religion*, could hinder them from taking the *Oath* of *Allegeance*.

Which is in effect acknowledged at laſt by this *Authour* of the *Third Treatiſe*, when he offers a new

Third Treatiſe par. 50.

Form of an *Oath*, *rather more expreſſive of Civil Obedience then the Oath of Allegeance.* Are not Princes mightily obliged to you, Gentlemen, that take ſuch wonderfull care to have a *more expreſs Oath* then this already required by *Law?* How comes this extraordinary fit of Kindneſs upon you? Do you really think the *Oath* of *Allegeance* defective in this point? No, no. We know what you would have: *If we can get but this Oath out of the way, the ſame intereſt which can remove this, will prevent another*; as ſome argue about other matters at this time.

Well, but what *Security* is this which you do ſo freely offer? Firſt, *You are ready to ſwear, without any Mental reſervation, that you acknowledge our Sovereign Lord CHARLES the Second to be lawfull King of this Realm, and of all other His Majeſtie's Dominions.* A wonderfull Kindneſs! While the old Gentleman at *Rome* pleaſes, you will doe this: but ſuppoſe he ſhould declare otherwiſe, what think you then? Will you then own him to be *lawfull King*, in ſpite of the *Pope's Excommunication*, and *Sentence of Depoſing?* Speak out, Gentlemen; why do you draw in your breath, and mutter to your ſelves? will you? or will you not? If you will, why do ye ſtick at the *Oath* of *Allegeance?* If you will not, is not His *Majeſty* much obliged to you, that you will own Him to be *lawfull King* as long as the *Pope* pleaſes?

But you go on, *That you renounce all Power whatſoever, Eccleſiaſtical or Civil, domeſtick or forein, repugnant to the ſame.* What doth this *ſame* relate to? *to his being lawfull King*, or *to your acknowledgment* of it? If you meant honeſtly without *reſervation*, why could

could ye not ſpeak plainly, in ſaying, *that ye renounce all Power of the Pope as to the Depoſing the King, and Abſolving His Subjects from their Allegeance?* If this be not your meaning, it is a falſity to ſay, *you ſwear without any Mental reſervation*, when in the mean time you *reſerve the Pope's Power to depoſe the King*, and then he is no longer *a lawfull King* to you. So that till you in plain terms renounce *this Power* of the *Pope*, all other *Forms* are mere ſhuffling, and full of tricks and equivocations, on purpoſe to amuſe the unwary Reader.

But you would have us think you come home to the point in the laſt Clauſe, wherein you declare *that Doctrine to be impious, ſeditious and abominable, which maintains, that any private Subject may lawfully kill or murther the Anointed of God, his Prince. Now*, ſay you, *let any one judge, Proteſtant or Catholick, whether theſe forementionꝺ Clauſes are not more, at leaſt as expreſſive of Civil Allegeance, as the ordinary Oath is.*

Not too faſt, good Sir; the world is not ſo eaſily cheated as it hath been. Would you indeed have us believe this to be as good Security as the *Oath* of *Allegeance*, when ſome of the greateſt Defenders of the Depoſing power would ſay as much as this comes to, *that it is impious and abominable for a private Subject to kill or murther his Prince?* But when the Pope hath Depoſed a Prince, thoſe that were *Subjects* before, according to your Opinion, ceaſe to be ſo: and *the ſame perſon* may lawfully kill or murther his Prince, although not *the ſame Subject*, becauſe the relation is alter'd, by virtue of the Pope's Sentence. Beſides,

this reaches onely to the caſe of a *private Subject*, and not to the *Power* of the *People* or the *Pope*. That may be thought unlawfull to be done by a *private perſon*, without *power* and *commiſſion*, which may be thought lawfull when he doth it by *Authority* derived from others. So that this *Form* can give ſatisfaction to none but ſuch as will be ſatisfied with any thing. For it doth not at all touch upon the main buſineſs; but is in truth an equivocal, deceitfull and ſophiſtical Form. For, as the *Authour* of the *Reflections* ſaith very well, *Princes are little advantaged by ſuch an Oath, wherein the Swearers ſay, Princes may not be murthered or killed by their Subjects, unleſs they ſay withall, they may not be Depoſed (by the Pope:) For whoſoever hath a Supreme juſt Right upon any pretence whatſoever to Depoſe Princes, hath thereby Right to cauſe them to be killed, in caſe they by arms oppoſe the execution of the Sentence. And can it be imagined, that any Prince, judged an Heretick or otherwiſe guilty by the Pope, and by him ſentenced to be Depoſed, will thereupon quietly deſcend out of his Throne, and yield up his Scepter to one of a contrary Religion? Or rather, is it not moſt certain, that they will not, but, on the contrary, bring with them many thouſands of their armed Subjects, to reſiſt the execution of ſuch a Sentence, all which together with them muſt be killed or murthered, before it can have its full effect?*

Reflections on the Oaths of Supremacy and Allegeance, n. 110.

But this is not the onely thing wherein you deſign to put tricks upon your Readers; it would take up too much time for a Preface to lay them all open; yet ſome of them are too groſs to be paſſed by. As when

when the *Authour* of the *Firſt Treatiſe* would have his Reader believe *the Publiſher of the Faſciculus rerum expetendarum & fugiendarum to have been a Proteſtant*; when any one that looks into the *Book* may find, it was ſet forth by *Ortwinus Gratius*, a known and fierce Papiſt: and when the *Authours* of the *two other Treatiſes* both aſſert, that *Sanctarellus his Book was condemned at* Rome *before it was condemned at* Paris. I ſtood amazed at the impudence of this aſſertion, when I read it in the *Second Treatiſe*; but much more when I ſaw it confirmed in the *Third*. I looked once and again on the *Roman Index Expurgatorius*, and examined the *Decrees* of the *Congregation*; but I could find no *Sanctarellus* ever condemned there. But looking into *Sanctarellus* himſelf, I found the *Book* ſo far from being condemned, that it came forth with the *Approbation* and *ſpecial Licence* of *Mutius Vitteleſcus*, then *General* of the *Jeſuits Order*, bearing date at *Rome May* 25. 1624.

First Treatiſe, p. 5.

Second Treatiſe, pag. 32. Third Treat. p. 88.

I pray mark it, Gentlemen; the *General* of the *Jeſuits* at that time gave this *Licence* to a *Book* written by one of that *Order*, wherein he ſhews, *that Princes may be Depoſed, not onely for Hereſie, but for other Faults, for Negligence, if it be Expedient, if they be thought Inſufficient, if Unuſefull, or the like.* And yet you would bear us down, that *your Order, many years before, was prohibited writing or teaching any thing about this matter.* Some ſuch temporary Order is talked of in the time of *Claudius Aquaviva*, when the clamours were ſo great againſt the *Jeſuits* for aſſerting this Doctrine. Yet that *Prohibition* extended no farther, then to *teaching it to be lawfull for any perſon*

Third Treat. p. 130.

ſon to kill Princes under a pretence of Tyranny. What is this but meer artifice and colluſion? It is *not to be taught*; but they may *think* as they pleaſe: *not lawfull for any perſon*; but it doth not deny it to be lawfull to perſons *authorized by the Pope*, after he hath Depoſed them. So that there never was any Prohibition of teaching *the Pope's Depoſing power* as to *Princes*. But ſuppoſe there were, you very well know of how little force ſuch an Order is, when that *General* is dead, and another ſucceeds; as appears by this very *Licence* of *Mutius Vitteleſcus*. Have a little pity upon us, Gentlemen, and tell ſomewhat more probable Untruths then this, *that your Order is forbidden to meddle with theſe Points*. So it ſeems indeed by the *Authour* of the *Firſt Treatiſe*, who was under ſome very *ſtrict Prohibition*, without doubt, which made him, out of the *croſſeneſs* of humane nature, ſo free to vent his opinion.

But to give you a little more ſatisfaction about this *Book* of *Sanctarellus*: It was not onely approved by the *General* of the *Jeſuits*, but by *Alexander Victricius* and *Vincentius Candidus*, and printed by *Order* of the *Maſter* of the *Pope's Palace*. Call you this the *Condemning* of it at *Rome*?

But for all this, the *Authour* of the *Third Treatiſe* quotes *Spondanus* for it. The plain truth of the ſtory is this: *Sanctarellus* his *Book* coming to *Paris*, met with ſo ill reception there, that it was condemned by the *Sorbon*, burnt by Order of the *Parliament*, and the *Jeſuits* hard put to it upon very ſtrict Examinations, wherein they ſhuffled and ſhewed all the Tricks they had: but theſe would not ſerve their turn,

turn, they are commanded to diſown and confute this Doctrine. *Pierre Coton*, upon whom the main buſineſs lay, being too hard ſet, made a ſhift to eſcape the difficulty of his Province by dying. Notwithſtanding this, the *Doctours* of *Sorbon* would not let the buſineſs die with him, but renewed it the beginning of the next year: upon which the *King* ſent the *Biſhop* of *Nantes* to them, to let them know they had done enough in that matter, the *Book* being condemned, and the *Pope* having forbidden *the ſale of the Book at Rome.* A very wonderfull Condemnation of it, that a *Book* ſhould be forbidden to be ſold, and at *Rome* too, and that ſo long after the publiſhing of it, and when all that had a mind to it were provided already; without any Cenſure upon the *Authour* or *Doctrine!* Who dares talk of the Severity of the *Court* of *Rome?* Could any thing be done with greater Deliberation, and more in the *ſpirit of Meekneſs*, and to leſs purpoſe, then this was? But after all, this doth not to me look any ways like the Condemning of it at *Rome*, before it was burnt at *Paris*; and I ſuppoſe upon ſecond thoughts you will be of my mind.

But you will tell me, *you did not expect to hear of theſe things in print.* That may be, for we live in an Age wherein many things come to paſs we little thought of. For I dare ſay, you never thought theſe Papers would have come into my hands: but ſince they did ſo, I could not envy the publick the benefit I receiv'd by reading of them; hoping that they will contribute much to the ſatisfaction of others, at leaſt in this one point, *that you hold the very*

ſame Principles about the Pope's Power of depoſing Princes, and abſolving Subjects from their Allegeance, that ever you did. And therefore I conclude, it would be great weakneſs to recede from our *Legal Teſts* againſt the men of ſuch Principles, for any *new Devices* whatſoever.

Feb. 13. 167½.

THE

THE JESUITS LOYALTY.

THE FIRST TREATISE AGAINST THE *OATH of ALLEGEANCE.*

The Concluſion to be proved.

It is not lawfull to take any Oath or Proteſtation, renouncing the Pope's Power, in any caſe whatſoever to depoſe a Chriſtian Prince, or abſolve his Subjects from their Allegeance.

The Proof.

MY Reaſon is, Becauſe the Opinion that the Pope hath no ſuch Power is Erroneous in faith, Temerarious, and Impious. Which I prove thus.

That Opinion which muſt ſuppoſe that the Church hath at ſome time been in a damnable Errour of Belief, and Sin of Practice, is Erroneous in faith, Temerarious, and Impious.

But this Opinion is ſuch.

Ergo.

The Major, I ſuppoſe, will not be denied by any Catholick: becauſe that were to ſuppoſe that the Church hath at ſome time ceaſed to be a Catholick and Holy Church: which were Hereſy to ſuppoſe poſſible.

The Minor is proved.

If the Church at ſome time hath believed, and ſuppoſed as certain, that the Pope hath ſuch a Power in ſome caſe, and upon that belief and ſuppoſall hath exerciſed it in her ſupremeſt Tribunals; and if her Errour (ſuppoſing ſhe erred in it) was a damnable Errour, and her Practice (if unlawfull) a mortal Sin: then this Opinion muſt ſuppoſe, that the Church hath, &c.

But the Church hath at ſome time ſo believed and practiſed, and (if amiſs) it was a damnable Errour and Practice.

Ergo.

The Sequele of the Major is evident *in terminis*.

The ſecond part of the Minor is likewiſe evident: becauſe it was a Doctrine enormouſly injurious to the Right of Princes, (to withſtand which is a damnable ſin, *Rom.* 13.) and cauſe of much deadly feud betwixt the Church and Secular States, of many bloudy Wars of Princes one againſt another, and wicked Rebellions of Subjects againſt their Princes.

For the firſt part of the Minor, if I ſhew,

1. That Popes have taught it as ſound Doctrine, proving it from Scripture, and Tradition; and condemned the contrary, as erroneous in faith, pernicious to ſalvation, wicked folly and madneſs, and inflicted Cenſures on them that held it:

2. That

2. That Popes have, in the higheſt Tribunals of the Church, depoſed Sovereign Princes, and abſolved Subjects from their Allegeance; and this with the advice and aſſent of their Councils, and not onely Patriarchal, but ſometimes even General:

3. That Popes, and General Councils by them confirmed, have denounced Excommunication to ſuch as ſhould obey their Princes after ſuch Sentence of Depoſition, and Abſolution of their Subjects from their Allegeance:

4. That a General Council, confirmed by the Pope, hath made a Canon-Law, regulating the manner of Depoſing Princes in ſome caſe, and Abſolving their Subjects from their Allegeance:

5. That all Catholick Divines and Caſuiſts that have treated of it, from the firſt to the laſt, (afore *Calvin*'s time) in all the ſeverall Nations of Chriſtendom, have aſſerted this Power of the Pope, without ſo much as one contradicting it in all that time:

6. That all Catholick Emperours, Kings, (yea even they that were depoſed,) States, Magiſtrates, and Lawyers, and finally all the Catholicks in the world for the time being, have (by tacit conſent at leaſt) approved and received this Doctrine of Popes, Divines, and Caſuiſts, and theſe Cenſures, Canons, and Practices of Popes and General Councils:

I ſay, if I ſhew all this, I hope it will be granted a ſufficient Proof, That the Church hath at ſome time ſo believed, taught, and practiſed.

Now to ſhew this, among a multitude of Inſtances, I ſhall name ſome few of the principal. As,

1. In *Anno* 1074. S. *Gregory* VII. (a most holy and learned Pope [a], who, for his Sanctity and Miracles was canonized for a Saint [b],) threatned *Philip* the *French* King, that unless he abstained from his Simoniacall selling of Bishopricks, he would excommunicate him, and all his Subjects that should obey him as King; which he counted none would, after such Sentence, but Apostates from Christianity [c]. And that King hereupon submitted to the Pope, and amended his fault [d].

[a] *Vir in Sacris literis eruditissimus, & in tota Ecclesia omni virtutum genere celeberrimus.* Lambertus, a Writer of that Age.

Nos S. R. E. Cardinales elegimus nobis in Pastorem, Virum religiosum, geminæ scientiæ prudentiâ pollentem, æquitatis & justitiæ præstantissimum amatorem, bonis moribus ornatum, &c. Registr. Greg. 7. in init. [b] *Gratiâ miraculorum, & prophetiæ, erat omnibus admirabilis.* Binius in Vit. Greg. 7. *Eundem, sicut in vita, ità & post mortem claruisse miraculis, Bibliothecarius ejus temporis absque ulla dubitatione confirmat.* Baron. ad ann. 1085. n. 11. *In album Sanctorum relatus, universali memoriâ nomine celebri perseverat.* Id. ib. [c] *Aut Rex ipse, repudiato turpi Simoniacæ hæreseos mercimonio, &c. aut* Franci *pro certo (nisi fidem Christianam abjicere maluerint) generalis anathematis mucrone percussi, illi ulteriùs obtemperare recusabunt.* Greg. 7. l. 1. ep. 35. *Si in perversitate studiorum suorum perseveraverit, Nos in Romana Synodo, à corpore S. Ecclesiæ ipsum, & omnes quicunque sibi Regalem honorem vel obedientiam exhibuerint, sine dubio sequestrabimus.* Id. l. 2. ep. 18. [d] *Significâsti nobis per literas & legatos tuos, te B.* Petro *devotè ac decenter velle obedire, &c.* Id. l. 1. ep. 36.

2. In *Anno* 1076. the same holy Pope, in a Patriarchal Council of *Rome*, wherein were present 110 Bishops, with the advice, and upon the importunity, of the whole Synod [a], deposed *Henry* IV. King of the *Germans*, and absolved his Subjects from their Oath of Allegeance to him [b]. And did it *ex Cathedra*, as Vicar of *Christ*, and Successour of S. *Peter*,

[a] *Pontifex habito cum* 110 *Episcopis consilio, in eundem Regem Excommunicationis sententiam protulit.* Author Vit. S. Ansel. Luc. a Writer of that Age. *Cunctis qui convenerant Episcopis id fieri decernentibus, Regem excommunicat.* Lambert. *Cunctis acclamantibus nè talis contumelia inulta remaneret, omnium consilio & consensu,* Henricum, *Synodali judicio damnatum, Regisque honore & nomine privatum, anathematis gladio percussit.* Bruno Histor. belli Saxon. a Writer of that Age. [b] Henrico *Regi omnem potestatem & dignitatem Regiam tollo, totiusque Regni* Teutonicorum *& Italiæ gubernacula contradico; & omnes Christianos à vinculo juramenti quod sibi fecêre absolvo.* Greg. 7. l. 3. ep. 6.

in

in virtue of the Power of binding which *Chriſt* gave to him in S. *Peter* [c].

[c] B. Petre, *mihi tuâ gratiâ eſt poteſtas à Deo data ligandi atque ſolvendi in cœlo & in terra. Hâc itaque fiduciâ fretus, ex parte Omnipotentis Dei, Patris, & Filii, & Spiritûs Sancti, per tuam, B. Petre, poteſtatem & authoritatem,* Henrico *Regi, &c. ut ſuprá.*

And this Sentence he publiſhed in a Breve, to all the Princes, Prelates, and people of the Empire [a]. And it was publiſhed by his Legates in ſeveral Nations of Chriſtendom [b]; and confirmed afterward in divers National Councils [c]. And after his death, was confirmed by the three Popes that ſucceeded him, during that King's life [d]. And the Catholick Subjects of that King obeyed it; and ſuch as denied the Pope's Juriſdiction to depoſe the King, were by the Catholicks called Hereticks and Schiſmaticks, and had the name of *Henriciani* *. Yea, even the King himſelf, in his Letter to the Pope, wherein he complained of the Sentence, denied not the Pope's Juriſdiction to depoſe him if he had been an Heretick; but pleaded he was no Heretick, in which caſe alone the tradition of holy Fathers (as he ſaid) allowed the Depoſition of Kings by the Pope [f]. Nay, and even that Cardinal Villain, *Beno*, (Ring-leader of the Schiſmaticks) in that Libell againſt the Pope, wherein he raked together all the matters he could to make him odious, and particularly accuſed his de-

[a] Greg. 7. *l.* 4. *ep.* 23.
[b] Baron. *ad ann.* 1084. *n.* 10. *& ad ann.* 1094. *n.* 17, *&c.*
[c] Triburienſe, Quintiliniburgenſe, Oſtionenſe, Claromontanum, Roman. 7. 8. 10.
[d] Victor *III.* Urbanus *II.* Paſchalis *II.*
* *Adverſarii noſtri, quamvis ipſi exiverint à nobis, non nos ab ipſis, tamen dicere ſolent, Nos Catholici ſumus, nos in Unitate Eccleſiæ ſumus. Unde Scriptor illius Epiſtolæ appellat eos qui ſunt in parte ſui* Gregorii, *Catholicos; nos, Schiſmaticos, Hæreticos, & Excommunicatos.* Vercellenſ. de Unit. Eccleſ. a Biſhop of the King's party. *Hoc decretum* (Synodi Quintiliniburg.) *contra* Henricianos, *qui fideles S.* Petri (meaning the Catholicks) *conſtringere voluerunt, ut Excommunicationem D. Papæ unà cum illis retractare præſumerent.* Bertold. a Writer of that Age.
[f] *Me quoque, quem Sanctorum Patrum traditio ſoli Deo judicandum docuit, nec pro aliquo crimine, niſi à fide (quod abſit) exorbitaverim, deponendum cenſuit, &c.* Epiſt. Henr. 4. ad Greg. 7. ſet out by a Proteſtant, in Faſcic. rerum expetendarum.

poſing

posing the King, yet accused it not for being done without Jurisdiction, but onely that he did it *contra ordinem juris*[g]. Finally, in a Diet of the Empire, called on purpose to decide, by the Canons of the Church, which had the juster cause, the Pope or the King, where met the wisest of the Princes and Prelates of the *German* nation, of both parties, the Archbishop of *Saltzburg* (Prolocutor of the Pope's party) alledged, and shewed by the Canons, that the Deposition was just. To which was answered by the Archbishop of *Mentz*, (Prolocutor of the King's party) that the Pope and Princes had done the King injury, in that he being at *Rome*, performing his penance injoyn'd him by the Pope, they had set up another King (*Rodulph*) against him. And he added, that by the Canons, the King being *spoliatus*, could not be condemned, or cited, till he were restored to possession[h]. So here was no plea then against the Pope's Jurisdiction, no not by the King's own Advocates.

[g] *Imperatorem*, (so his own party called him) *in nulla Synodo Canonicè accusatum, præcipitanter excommunicavit; in qua Excommunicatione nullus Cardinalium subscripsit*, &c. Beno de Vit. Hildebrand. in the aforelaid Fasciculus.

[h] *Eodem anno*, (1080.) *conflictu, tam ab inimicis quàm amicis Imperatoris, alloquio, in* Thuringia, *conveniebant ex utraque parte quicunque sapientissimi de Optimatibus judicabantur, Canonum authoritate probaturi, cui parti justitia faveret; Imperatore tamen absente; sic enim ipse consensit. Electis, hinc* Wecilone Moguntino, *illinc* Gebehardo Saltzburgensi, *disputatio cœpta est. Affirmat* Gebehardus, (*proponente hoc prius* Wecilone) *Imperatorem non injusto judicio, tam Regno, quàm Communione, Apostolici Sententiâ, privatum. E contrà* Wecilo, *Dominum suum, præjudicium non minùs à Papa quàm à Principibus passum, contendit, dum ipso ad* Canusium *in satisfactione posito, imò jam à Papa in communionem recepto, alterum super se Regem elevarent. Adjecit etiam, quòd Imperator, diu jam à* Saxonia *depulsus, & regnandi copiâ, etiam ab illa dissensione quæ ante* Rodolphum *facta describitur, spoliatus, nec vocari, nec judicari Canonicè debuisset*, &c. Ursperg. ad ann. 1080.

3. The same holy Pope did not onely believe, and suppose this Doctrine to be most certainly true and sound, (as he shewed by his practice of it;) but did formally teach it to the Church, by Canons published

blished in a Patriarchal Council at *Rome* [a], and to the *German* Prelates that consulted him of it, and prove it to them from Scripture and Tradition [b]; and by S. *Peter*'s authority, exhorted and required all Subjects of the Empire, to obey and execute the Sentence, by resisting the deposed King: putting them in mind, that it is a sin as bad as Idolatry, to disobey S. *Peter*'s See [c]: and termed it no less then wicked and damnable folly and madness, to deny that Power to be in the Pope [d].

[a] *Dictatus Papæ, in Concil. Roman. 3. ann. 1076.* 1. Quòd Papa liceat Imperatorem deponere. 2. Quòd à fidelitate iniquorum Subditos potest absolvere.

[b] *Quod postulâsti, te nostris scriptis quasi juvari, & communiri, &c. non adeò necessarium nobis videtur, cùm hujus rei tam multa ac certissima documenta in Sacrarum literarum paginis reperiantur, &c.* citing the Scriptures. L. 8. ep. 21. *Eos qui dicunt, Regem non oportet excommunicari, &c. ad Sanctorum Patrum dicta vel facta mittimus. Legant itaque, &c. Considerent cur* Zacharias *Papa Regem* Francorum *deposuerit, & omnes* Francigenas *à vinculo juramenti quod sibi fecerant absolverit.* In Registro B. Gregorii, &c. l. 4. ep. 2. [c] *B.* Petri *authoritate, ei* (Henrico Regi) *resistite, & totius Regni gubernacula contradicendo, &c. illud semper habentes in memoria, quia scelus Idolatriæ committit, qui Apostolicæ Sedi obedire contemnit.* L. 4. ep. 23. [d] *Contra eorum insaniam, qui nefando ore garriunt, Authoritatem Apostolicæ Sedis non potuisse Regem* Henricum *excommunicare, nec quenquam à Sacramento fidelitatis ejus absolvere.. .... Neque enim credimus eos, qui, ad cumulum suæ damnationis, veritati impudenter detrahunt & contradicunt, hæc ad suæ defensionis audaciam, tam ignorantiâ, quàm miseræ desperationis vecordiâ, coaptâsse.* Id. ibid. *Eos qui dicunt, Regem non oportet excommunicari, licèt pro magna fatuitate, nec etiam eis respondere debeamus; tamen nè impatienter eorum insipientiam praeteriisse videamur, &c.* L. 4. ep. 2. *Si* B. Gregorius, *Doctor utique mitissimus, Reges qui Statuta sua super unum xenodochium violarent, non modò deponi, sed etiam excommunicari, atque in æterno examine damnari decrevit: quis nos, ipsius matris Ecclesiæ, quantum in ipso est, conculcatorem, deposuisse & excommunicâsse reprehendat, nisi fortè similis ejus?* L. 8. ep. 21.

4. In *Anno* 1215. the Council of *Lateran* (an undoubted General Council, and the greatest for number of Prelates that ever was) settled a Rule to be observed in the deposing of Princes, and absolving their Subjects from their Allegeance, in case they be negligent in purging their Land from Hereticks [a].

[a] *Moneantur seculi potestates, &c. Si verò Dominus temporalis requisitus, & monitus ab Ecclesia, terram suam purgare neglexerit ab hac hæretica fœditate, per Metropolitanum & Comprovinciales Episcopos Excommunicationis vinculo innodetur. Et si satisfacere contempserit infra annum, significetur*

cetur hoc Summo Pontifici, ut extunc ipſe vaſallos ab ejus fidelitate denunciet abſolutos, & terram exponat Catholicis occupandam, qui eam, exterminatis Hæreticis, ſine ulla contradictione poſſideant; ſalvo jure Domini principalis, dummodo ſuper hoc ipſe nullum præſtet obſtaculum. Eâdem nihilominus lege ſervatâ circa eos qui non habent Dominos principales. Cap. 3. de Hæret.

And the Canon was made in the preſence, and with the conſent of both the Emperours, (*Greek* and *Roman*) and the greateſt part of the Kings aud Princes of Chriſtendome, and of the Embaſſadours of the reſt.

Anſw. 1. Thoſe that goe under the name of the Canons of this Council, were not decreed by the Council, but onely publiſhed for Canons of it by *Gregory* IX.

Repl. It is againſt reaſon to imagine, that Holy and Learned Pope would commit ſo groſs a forgery, and in matters of that high concern, and at a time ſo ſoon after the Council, as the greateſt part of the Prelates that aſſiſted at it were living, to confute it, and proteſt againſt it; the Decretals of that Pope being publiſhed within twelve years after that Council.

Anſw. 2. All Hiſtorians of thoſe times teſtify, no Canons were made in that Council, except one or two about the Recovery of the Holy Land, and the Subjection of the *Greek* Church to the *Roman*.

Repl. Not one Hiſtorian teſtifies any ſuch negative.

Anſw. 3. This Decree was not found among the other Acts of the Council for 300 years.

Repl. It was always among the other Canons in the Decretals of *Gregory* IX. publiſhed within twelve years after the Council: and in the firſt Copy that was printed of the Canons of that Council, this was one;

one; and *Cochlæus*, that ſent the Copy of it to the Printer, ſaid, it had been long agoe written out of an ancient Book [a].

Anſw. 4. This Canon names not Sovereign Princes, but Lords onely.

Repl. It names Lords, *qui non habent Dominos principales*, which can be none but Sovereign Princes.

5. In *Anno* 1245. Pope *Innocent* IV. in a General Council at *Lyons*, by a formal definitive Sentence, publiſhed in the Council, and approved by all the Prelates, depoſed the Emperour *Frederick* II[d]. and abſolved all his Subjects from their Oath of Allegeance: and not onely that, but by his Apoſtolick authority, inhibited them to obey him as Emperour or King, and not to adviſe or aid him as ſuch, under pain of *Excommunicatio latæ ſententiæ*. And he grounded his authority for it upon that Text, *Quodcunque ſolveris*, &c [a]. And it was afterward inſerted into the Canons of the Church. And it was not given precipitately, or in paſſion, but upon conſult firſt had with divers of the moſt able Divines, that were at the Council, and after mature debate in divers Conſiſtories, in which ſome of the Cardinals pleaded as Advocates for the Emperour, and others anſwered them; inſomuch as the Pope could not remember that ever any cauſe was diſcuſſed with more exact-

[a] *Mitto Decreta Concilii Lateranenſis olim ex antiquo deſcripta Codice.* Jo. Cochl. ep. ante Concil. *Lateran.* ap. Crab.

[a] *Nos cum fratribus noſtris & ſacro Concilio deliberatione præhabitâ diligenti, cùm* Jeſu Chriſti *vices teneamus in terris, nobiſque in* B. Petri *perſona ſit dictum*, Quodcunque ſolveris, *&c. memoratum Principem, ſuis ligatum peccatis, & abjectum, omnique honore & dignitate privatum à Domino oſtendimus, denunciamus, ac nihilominus ſententiando privamus: omnes qui ei juramento fidelitatis tenentur aſtricti, à juramento hujuſmodi perpetuò abſolventes: authoritate Apoſtolicâ firmiter inhibendo, nè quiſquam ei de cætero tanquam Imperatori vel Regi pareat; & decernendo quoſlibet, qui deinceps ei velut Imperatori aut Regi conſilium aut auxilium præſtiterint, ipſâ facto Excommunicationis vinculo ſubjacere, &c.* In Actis Concil.

neſs and longer deliberation. And they proceeded to the Sentence with much unwillingneſs, and forced by neceſſity, (becauſe they ſaw no other way, without offending God, the Church, and their own conſciences,) and condoling his miſery that was ſentenced. All which the Pope himſelf wrote in a Letter to the *Ciſtertian* Abbots here in *England*[b]. And when the Pope objected in Council to the Emperour the Crimes for which he proceeded againſt him; the Emperour's Advocate (a wiſe and eloquent man, Doctour of both Laws, and Judge in the Emperour's Court) pleaded to it, (not that the Pope had no Juriſdiction to depoſe the Emperour, but, which acknowledged the Juriſdiction) that the Emperour was not guilty of the Crimes objected, and namely, not of Hereſie: and prayed reſpite for the Emperour, to make his defence in perſon. And the Embaſſadours of the Kings of *France* and *England* ſeconded his Petition, (which alſo was an acknowledging by them of the Pope's Juriſdiction to depoſe the Emperour:) and thereupon two weeks reſpite was granted. And when the Emperour heard of it, he refuſed to appear, (not becauſe they had no Juriſdiction in the cauſe, but) becauſe they appeared to be his Adverſaries[c]. And upon that and other pretexts, appeal'd from that, to the next more General Council[d]. And this Sentence was (as I ſaid) publiſhed with approbation of all the Prelates preſent in the Council, (which were to the number of 140 Archbiſhops and Biſhops.) And in token of their concurring thereunto, after it was pronounced, all the Prelates lighting their Tapers, held them downward, and ſo put them out, and threw

[b] Matth. Pariſ. *in* Henrico 3.

[c] *Video quòd ad confuſionem meam aſpirat Papa, ...nec Sacrum decet Imperium maximè adverſanti judicio ſeſſi Synodali.* Id. ibid.

[d] Id. ibid.

threw them on the ground. And every one of them ſet his hand to the Bull of the Sentence *. And there were preſent at it, the other Emperour (of *Conſtantinople*,) the Embaſſadours of *France* and *England*, and of moſt other Chriſtian States: and not one of them, no not the Emperour's own Advocate, opened his mouth againſt the Juriſdiction of the Court; onely he put in his Appeal from it, to the next more General Council; which is an acknowledging the Juriſdiction. Yea, and the Emperour himſelf, when the Sentence was reported to him, though he ſlighted it as unjuſt and frivolous [f], yet he never excepted to it as given *à non Judice*. And the King of *England*, and the *French* King (*Lewis* IX. afterwards Canonized for a Saint,) and their Nobles, juſtified the Sentence [g]; and the *French* King took upon him the protecting of the Pope's cauſe againſt the Emperour [h].

* Id. ibid.

[f] Trithem. *in Chron.* Hirſang.

[g] Matth. Pariſ. *in* Henrico 3.

[h] Paul. Æmil. *in Vit. S.* Ludov.

6. In the ſame General Council of *Lyons* was made a Canon [i], That whatever Prince ſhould cauſe any Chriſtian to be murthered by an Aſſaſin, he ſhould *ipſo facto* incurre the Sentence of Excommunication, and Depoſition.

[i] In 6. Cap. 1. de Homicid.

7. In *Anno* 1606. Pope *Paul* V. by a Breve written to the *Engliſh* Catholicks, declared, and taught them as Paſtor of their Souls, That the Oath of Allegeance eſtabliſh'd by Parliament 3. *Jac. ſalvâ Fide Catholicâ, & Salute animarum ſuarum, præſtari non poteſt, cùm multa contineat quæ Fidei ac Saluti apertè adverſantur.* Now there are not in it *multa* to which this Cenſure is poſſibly applicable, unleſs this be one, *That the Pope hath no Power to depoſe the King, or abſolve his Subjects from their Oath of Allegeance.*

Therefore this Proposition was condemned by that Pope, as *contra Fidem & Salutem animæ.*

8. In *Anno* 1648. Pope *Innocent* X. censured the Subscribers negatively to these Propositions. 1. *The Pope, or Church, hath power to absolve any persons from their Obedience to the Civil Government established, or to be established, in this Nation, in Civil affairs.* 2. *By the command or dispensation of the Pope, or Church, it is lawfull to kill, or doe any injury to, persons condemned or excommunicated for Heresy or Schism.* 3. *It is lawfull, by dispensation at least from the Pope, to break Promise or Oath made to Heretick, to have done unlawfully, and incurred the Censures contained in the holy Canons and Apostolick Constitutions, contra negantes Pontificiam authoritatem in causis Fidei.* Now there is none of these Propositions to which this Censure can reasonably be fastened, but the first onely; therefore that was thus censured.

9. This very last year, the now Pope, being consulted touching the lawfulness of taking the late *Irish* Protestation, in which is renounced this Power of the Pope, declared, That, *instar repullulantis Hydræ*, it did contain, *Propositiones convenientes cum aliis à Sede Apostolica olim reprobatis, signanter à fel. mem. Paulo* V. *per Constitutionem in forma Brevis, & nuper anno* 1648. *in Congregatione specialiter commissa ab Innocentio* X. *&c. Se graviter indoluisse, quòd per exemplum Ecclesiasticorum, tracti sint in eundem errorem Nobiles Seculares ejusdem Regni Hiberniæ; quorum Protestationem ac Subscriptiones pariter reprobat; idque ad eximendas Catholicorum conscientias à dolo & errore quo circumveniuntur.*

10. That

10. That this hath been the common received Doctrine of all School-Divines, Casuists, and Canonists, from first to last, (afore *Calvin*'s time) in all the several Nations of Christendome, yea even in *France* it self, yea even of those *French* Divines that were most eager for their Temporal Princes against the Pope, (as *Occam*, *Almain*, *Joann. Parisiens.* *Gerson*, &c.) you may see abundantly proved by that admirable man Cardinal *Peron*, in his Oration made in the name of all the Bishops of *France* to the Third Estate of Parliament. And it is convinced by this, That neither *Barclay*, nor *Widdrington*, nor *Caron*, nor any other Champion for the contrary Tenet, hath been yet able to produce so much as one Catholick Authour, (afore *Calvin*'s time) that denied this Power to the Pope absolutely, (or in any case whatsoever:) as will appear by examining their quotations.

To conclude then.

This having been for some Ages (One, at least) the common Belief, Sense and Doctrine of the Church, according to which she hath frequently and avowedly practised and proceeded in her highest Courts, and inflicted her highest Censures upon the Opponents of it: If it be an Errour, the Church was at that time a wicked and blind Church, a Synagogue of Satan; the Pillar and Ground of Truth, and with it the whole Fabrick of Faith and Religion, shook and tottered. If it were no Errour, they that now call it an Errour, are wicked Catholicks, and in damnable Errour. Nor, though all the Doctours of Sorbon, *all the Parli-*

Parliaments and Universities of France, *all the* Fryars *or* Blackloists *in* England *or* Ireland, *all the Libertines, Politicians and Atheists in the world, should declare for it, could it ever be an Authority to make it a probable Opinion.*

THE

THE SECOND TREATISE AGAINST THE *OATH of ALLEGEANCE.*

Some few Questions concerning the Oath of Allegeance, which have now been publick for divers years, reduced to one principall Question, concerning the Substance of the said Oath.

CHAP. I.

The Occasion and State of the present Question.

IN the year 1661. was published a small Treatise under this Title, [*Some few Questions concerning the Oath of Allegeance, which were proposed by a Catholick Gentleman in a Letter to a Person of Learning and Honour.*]

A late

A late officious hand hath now in the year 1674. * *thought it seasonable to re-publish this short and judicious Treatise, for the satisfaction of such as are at present either concerned, or curious.*

* as he speaks.

The Authour's professed design in these Questions concerning the Oath was, to propose his sense by way of Quære's; *wherein he hopes not to be accused of presumption, whilst he onely seeks what he professeth not to know:* And yet is so knowing, that though he could *heartily wish for a more condescending form of Oath*, he † sticks not to affirm, and he is positive in it, that if the manner of expression were a little changed, *every syllable of the substance might be intirely retained.* Now if you ask him what he means by the Substance of the Oath, he expresly tells you, that * *the Substance of the Oath is, the Denying and abjuring the Pope's power to depose Princes.*

† in his Preface.

* page 14. page 30.

For my part, 'tis as far from my thoughts, as forrein to my present purpose, to speak any thing in favour of this Deposing power: nor shall I at all play the criticall Interpreter of the Oath, nor concern my self with *raising any artificiall and learned obscurities*, such as the Publisher hints at, about any inconvenient phrase, nor *boggle at the form and dress*; but closely apply my reason to the Substance of the Oath, taking for the measure of its Notion the rule and standard the Authour of the Questions hath already given us, saying *that the Substance of the Oath is the Denying and abjuring the Pope's power to depose Princes.*

Here then lies the grand Case, here is the principal Question, *Whether a Catholick may* (I do not say barely *deny*, but) *deny by Oath, and universally abjure, the Pope's power to depose Princes.*

Concerning which Question, first, as I meet with nothing either in the Authour or Publisher of the Questions which in my judgement does in the least evince the affirmative: so, secondly, I think enough is said by both to conclude manifestly for the negative, to wit, That no Catholick can safely admit of and take the Substance of the Oath, even as the case

caſe is underſtood, and ſtated in the Authour's own terms.

This I ſhall endeavour with all poſſible clearneſs and brevity to make out in the firſt place; and afterwards ſet down and anſwer the Grounds the Authour of the Queſtions proceeds on, which are principally three. 1. The Cenſure of many famous *French* Univerſities, denying, rejecting and condemning the Doctrine of the Pope's Depoſing power, as new, falſe, erroneous, contrary to the Word of God, pernicious, ſeditious, and deteſtable. 2. The Subſcription of the *French Jeſuits* to two of the moſt remarkable of theſe Cenſures. 3. The Practice of the Clergy, the religious and the wiſer ſort of the Laiety in other Countries, when the Pope makes war, or any other way contends with their Sovereign Princes or States.

All which being put together, to the end it may appear how far the Argument even in its full and united ſtrength is from reaching our Caſe, let it be once more remembred, that the ſtate of our Queſtion is not, *Whether a Catholick may deny, reject, cenſure and condemn the Pope's Power to depoſe Princes*, (which yet is the utmoſt that can be proved by warrant of theſe forrein Precedents;) but, *Whether he may ſafely deny, reject, cenſure, and condemn by his Oath, and univerſally abjure, this Depoſing doctrine*: This is that which the Authour of the Queſtions affirms; that which he calls the very *Subſtance of the Oath*; and that for which I am ſure no *French* Univerſity, quoted by him, no Subſcription of the *Jeſuits*, no Practice of the Clergy, the religious and the wiſer ſort of the Laiety in other Countries, afford us ſo much as any ſingle inſtance.

CHAP. II.

Why it cannot be safe either to swear to the Deposing doctrine as true, or to abjure it as false.

Since it is but even more undeniably evident then all good men have cause to wish, and that experience, the easiest and clearest of arguments, puts it but too sadly beyond dispute, that this grand Controversy, (*Whether the Pope hath any Power and authority to depose Princes for any cause pretence, or exigency whatsoever,*) hath been for divers Ages from time to time disputed in the Schools by speculative men in their subtile and notionall way of reasoning: And what **Trithemius* recorded to posterity above 500 years agoe, (that *Scholastici certant, & adhuc sub Judice lis est, utrùm Papa possit Imperatorem deponere,*) may, for ought we know, 500 years hence be as much a question, and as far from ending, as now it is; whereas even in our days the Controversy finds but too many stiff Champions and Abettors to maintain the quarrell, and keep life in the debate by their warm and smart contests; no clear and authoritative decision of the Point yet appearing to which both sides think themselves obliged to stand and acquiesce: Since likewise, when a Point is thus in dispute *amongst Catholick Princes*, (some of them peremptorily denying and hotly opposing what others as positively assert and vigorously maintain, and this openly, avowedly, and in the face of the world;) no one can determinately swear to either side of the point in dispute as true, nor warrantably abjure the other as false; for this were to swear a thing as true, or to abjure it as false, which is confessedly in dispute whether it be so or no, which is never lawfull:

*Trithemius *in Chron. historic. ad ann.* 1106.

From hence I conceive, that for the deciding of our Question, (*Whether a Catholick may lawfully abjure the Pope's Deposing power and authority,*) there needs no more then barely to suppose,

ſuppoſe, that *it is a Queſtion whether the Pope hath any ſuch Power and Authority or no.* For here one Queſtion reſolves the other: grant this ſecond to be a Queſtion, the firſt will be none. For if it be a Queſtion whether the Pope hath any ſuch Power and Authority or no, no man can ſafely ſwear, that without all queſtion he hath none; I ſay, without all queſtion, becauſe what we ſwear as true ought to be unqueſtionably ſuch, otherwiſe we fall under the guilt and ſacrilege of Perjury.

For a more full evidence and farther clearing of this ſo important a Truth, (namely, That the ſwearing or abjuring a controverted doctrinall Point unavoidably draws upon us the execrable guilt of Perjury,) let us conſider the difference of Oaths in generall, and the different parts of the Oath of Allegeance in particular. Of Oaths ſome are aſſertory, others promiſſory. An *aſſertory* Oath is, when we poſitively ſay ſuch or ſuch a thing is true or falſe, and then bind this saying of ours with an Oath: A *promiſſory* Oath is that whereby we engage to doe what we promiſe, or to leave undone what we promiſe not to doe, and thereupon give our Oath as a bond of performance. The Oath of Allegeance is a mixt Oath, partly aſſertory, (as where it is affirmed that the Pope hath not any Power or Authority to depoſe the King, or to authorize any forrein Prince to invade or annoy him or his Countries, or to diſcharge any of his Subjects from their Allegeance, *&c.*) partly promiſſory, (as namely, where the Swearer engages that, notwithſtanding any Declaration, or Sentence of Excommunication, or Deprivation, made or to be made againſt the King, his Heirs or Succeſſours, he will bear faith and true allegeance to them, he will defend them to the utmoſt of his power againſt all conſpiracies or attempts whatſoever.)

That which here principally falls under conſideration is the nature of an aſſertory Oath: in which Oath it is eſſentially requiſite, that what we do ſwear be undoubtedly and unqueſtionably true; and all little enough for the ſecuring us againſt God's and Truth's ſworn enemy, Perjury; which

abominable ſin is defined by the* Schools to be *a Lie confirmed by Oath*: And to lie, ſaith † St. *Auſtin*, is to ſpeak againſt that which a man thinks in his mind or conſcience, or, as we uſually expreſs it, when a man ſpeaks not as he thinks; *viz.* when there lies a ſecret check and contradiction in the breaſt to what is uttered by the mouth. Put theſe two together, and the caſe ſtands thus: *To ſpeak contrary to what a man thinks in his conſcience*, is, according to true morals, the definition of a Lie; and, *to ſwear contrary to the inward dictates of his conſcience*, is that wherein conſiſts the formall notion and malice of Perjury. Now this Swearing contrary to what a man thinks in his conſcience may happen two ways: not onely when he is conſcious to himſelf, and knows that what he ſwears is not true; but alſo when he knows not, and therefore doubts, or hath juſt cauſe to doubt, whether it be true or no: in which caſe if he chance to ſwear, it is at the perill of his Soul, and contrary to the ſecret information of his Conſcience, which muſt needs check at the act, and inwardly proteſt againſt it. For it is a folly beyond dotage, and carries with it the prejudice of the higheſt ſelf-condemnation imaginable, for a man to ſay, I will ſwear ſuch a thing is true, and yet I know not, I doubt, or have juſt cauſe to doubt, whether it be ſo or no.

* Magiſter *in* 3. *diſt.* 39. *En. ann.* 10. *S.* Thom.

† *S.* Aug. *lib. de Mendacio.*

CHAP. III.

An Objection anſwered; with a farther diſplay of the former Evidence.

IF any one ſhall here pretend, that he for his part is ſo far from doubting, that he is already fully perſwaded, and thinks verily in his conſcience, the Pope hath not any Power or Authority to depoſe Kings; and why then may not he ſafely ſwear as he thinks, becauſe no more is required of him then onely to ſwear according to the beſt of his knowledge? Let him who pretends this, pleaſe to remember, that neither

is

is leſs required of him then to ſwear according to a true knowledge; that is, that he be ſure or certain, and have no juſt cauſe to doubt of the truth of what he ſwears. Let *Knowledge* then ſignify *Knowledge*; let it not be a meer term, or the abuſe of a term: let not, *I think*, but, *I know*; not, *I am perſwaded*, but, *I am certain*, be the ground of his Oath, and he is ſecure. But if his knowledge ſignify no more then his uncertain perſwaſion and judgment that the thing is ſo or ſo, then *the beſt of his knowledge* is to him no better then *ignorance*; and to ſwear according to *the beſt of his knowledge*, will be the ſame as to ſwear according to *the beſt of his no-knowledge:* And it is this want of knowledge will arraign, convict and condemn him at the bar of his own heart for a forſworn man. Thus if a Witneſs in any publick Court of juſtice ſhould offer to ſwear a thing as true, and yet, being ask'd if he were ſure of it, ſhould anſwer, No; though we ſhould ſuppoſe that he verily thinks it true, yet if he be not certain of it, 'tis manifeſt it may be as well falſe, as true, for any thing he knows; for *thinking* is one thing, and *knowing* another. And therefore if upon no better ground then his thinking it to be true, he ſhould offer to ſwear it is ſo, no honeſt man would ſtick to ſay, this Witneſs owes a forfeiture to the Pillory, and ſatisfaction to God and man for ſo foul a ſcandal, in offering to ſwear a thing to be true, which he knows not whether it be ſo or no.

True it is, where an Oath is tendered requiring no more but onely to ſwear a man's perſwaſion and judgment, (not abſolutely what is or is not true, but onely what he thinks is or is not true,) there indeed a man may ſwear according to true knowledge, in regard the familiar converſe and intimacy with his own thoughts may give him a ſufficient aſſurance and certainty of the truth of what he is to ſwear; becauſe in this ſuppoſition he is to ſwear no more then what he thinks; but if any one ſhould goe about to transfer this qualifying gloſs and milder expoſition to the Oath of Allegeance, as an expedient to prevent the ſad danger and heavy charge of Perjury, in abjuring the controverted Doctrine of

the Depoſing power, as if no ſuch abjuring was intended by the Oath; (which yet the Authour of the Queſtions terms *the very Subſtance of the Oath*;) let him who either makes or values this gloſs but caſt an eye upon the firſt, the middle and the laſt Branches of the Oath, and he will plainly perceive, this is onely an exchange of one Perjury for another: it alters indeed the mode, but ſhuns not the guilt; and by ſtriving to weather out one Rock, ſplits upon another.

For firſt, in the beginning of the Oath the Swearer ſolemnly calls God and the world to witneſs the truth of what he is about to acknowledge, profeſs, teſtify, and declare in his conſcience; and then, having uttered all he has to ſay, (and particularly, in one of the middle clauſes, having not onely abjur'd the Pope's Depoſing power, but alſo abjur'd it as hereticall,) in the end concludes thus, [*And all theſe things I do plainly and ſincerely acknowledge and ſwear according to theſe expreſs words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation or mental evaſion or ſecret reſervation whatſoever.*] By which laſt clauſe he again ratifies and binds afreſh all his former aſſeverations and already-ſworn engagements, by a repeated and reflex Oath looking univerſally back upon the premiſſes: *And all theſe things* (ſays he) *I do plainly and ſincerely acknowledge and ſwear.* Now amongſt all theſe things which he doth thus plainly and ſincerely acknowledge and ſwear, the chief and principal of all others was, That the Pope hath not any ſuch Power and Authority as we ſpeak of. And he farther adds, that he ſwears this *according to the expreſs words by him ſpoken, without any equivocation, mental evaſion, or ſecret reſervation*; that is, without any farther gloſs or comment upon his own thoughts or words whatſoever. Whereas on the contrary, if we ſhould ſuppoſe, that, whilſt he expreſly abjures the Depoſing doctrine, and abſolutely ſwears that the Pope has not any ſuch Power and Authority, he yet reſerves in his mind a mental evaſion and ſecret meaning of his words, (*viz.* that he onely thinks and is perſwaded he hath no ſuch Power and Authority;)

thority;) then directly he forſwears himſelf in ſwearing otherways then what he profeſſes to ſwear, that is, in ſwearing not according to his expreſs words, but according to an unexpreſt meaning of his words, which thing he utterly diſavowed and renounced by his Oath. And is not this a remedy as bad as the diſeaſe, and a rare expedient to prevent the danger of Perjury, to make a man forſwear himſelf for fear of being forſworn?

Let us make the beſt hand of it we can; here is onely choice of Perjuries for the comfort and relief of the Swearer, whether he do or do not abjure the Depoſing power. For if he pretend *not to abjure it*, this is contrary to his expreſs words, according to which he profeſſeth to ſwear, and by which he doth expreſly ſwear that the Pope hath not any Depoſing power; and ſo he is perjur'd, by pretending to ſwear one thing, and actually ſwearing another; which is as much as to ſwear two Oaths in one, the one directly croſs and contradictory to the other. But if he *do abjure*, (as abſolutely he doth, if he takes the Oath,) this ſame abjuring is the very charge of Perjury which is now under my pen, and, as I conceive, inevitable, by reaſon that the neceſſary knowledge, certainty and aſſurance of the truth of what he ſwears, or of the falſehood of what he abjures, (without which every ſuch aſſertory Oath neceſſarily ends in Perjury,) is not to be had nor expected, whilſt this ſpeculative Point remains under diſpute; a diſpute (as experience too clearly teſtifies) not yet effectually determined by any publick, nor, I am ſure, determinable by any private authority, as ſhall appear yet more fully in the next Chapter.

CHAP.

CHAP. IV.

A Continuation of the former Diſcourſe, ſhewing the manifeſt unlawfulneſs, as of Swearing, ſo of Abjuring the Depoſing power.

* pag. 31. "A Duty we owe to the Pope, (ſaith the * Authour of "the Queſtions,) a Duty to the King; both com-"manded by God, both obliging under ſin, yet both con-"fined to their proper limits: too much of the Temporal "may be aſcribed to Popes, too much of the Spiritual to "Kings, too much may be challenged by both. All which is moſt true; but the difficulty is, when theſe two Supreme Powers conteſt (as actually they do) concerning Power in Temporalls, who ſhall then be Judge? The Pope claims a Depoſing power, the King denies it: if the Pope be Judge, the Depoſing power will carry it; if the King, it will be caſt. If we conſult or appeal to the authority of the Learned, and bring the cauſe to their bar, there is nothing but noiſe, cenſures, and loud diſagreements. *Bellarmin* and *Suarez* write for the Depoſing power, and are condemned at *Paris*: *Barkly* and *Withrington* appear againſt it, and are condemned at *Rome*: the Cenſurers all this while on both ſides profeſſing a previous, mature and impartial examination of the Books and Doctrines they condemn, *Caron*, the laborious defender of the firſt Remonſtrance, in his loyalty afferted what betwixt Canoniſts and Divines, School-men and Fathers, Popes, Councils, Univerſities and Kingdomes, is ſaid to have made a catalogue of more then 250 Oppoſers of the Depoſing doctrine. On the contrary, what number of favourers and abettors there are for it, may appear by this, that even the Authour of the 8th Controverſial Letter tells us, (*pag.* 5.) that the face of Authority is on that ſide; and again, (*pag.* 7.) that of Learned men, thoſe who write of this ſubject, write generally in favour of it: as likewiſe

Second Controverſial Letter, pag. 31.

wiſe the Authour of the Queſtions, in his Preface, acknowledgeth the Maintainers of the Depoſing power to be the more numerous party, and that he himſelf ſides with the few againſt the many; and withall granteth, (*pag.* 24.) that this act of Depoſing Kings hath not onely been done by Popes, but approved by Councils. If we ſtep over into *France*, there we are ſtrangely ſurprized with inſtances on both ſides. Behold in the year 1626. Eight Univerſities of that Realm declare ſmartly againſt the Depoſing power: and yet but a few years before, *viz.* in the year 1614. in the General Aſſembly of the Three Eſtates, (in which were preſent 5 Cardinals, 7 Archbiſhops, and 47 Biſhops, beſides many other learned Eccleſiaſticks and Dignitaries of the *Gallican* Church,) two parts of three of this great Repreſentative of that Kingdome were of another mind, and ſo far from hearkening to or countenancing the hot Propoſalls that were made againſt the Depoſing doctrine, that they left it in poſſeſſion, as they found it, of whatſoever right or title it could pretend to. What now ſhall the private Chriſtian and loyal Subject doe, who paſſionately deſireth to ſhare himſelf in all humble duty between God and *Ceſar*? what, I ſay, ſhall he doe in this unfortunate competition of the two grand Powers? Shall he by his ſingle ſufficiency dare to aſſume to himſelf the right of judicature, and boldly ſwear either for or againſt the Depoſing power, and to paſs a deciſive ſentence under Oath, that the Pope hath, or hath not, the Power in conteſt? Were I worthy to offer my advice in this particular, I ſhould conceive it much more pertinent and proper for him ſeriouſly to conſider with himſelf, whether an act of this nature be not the ſame, or rather indeed much worſe then if a ſtander by, upon hearing an Aſſembly of grave Divines or Counſellours learned in the Law, all of them much above his ſize and abilities in their reſpective profeſſions, warmly debating a perplext Law-caſe, or ſturdy knot in Divinity, ſhould by a raſh and unlicenſed confidence take upon him the Umpirage of the cauſe, and without any more adoe bluntly ſwear theſe men are in the right, and the other in the wrong, or the

others are in the right, and these in the wrong? And whether he proceed not upon as meer a blind peradventure, whatever part of the contradiction he swears in this last case, and that it be not as slippery a piece of pure contingency in him, whether he hit or miss, as if upon the sight of an handfull of Guinnies, he should all at a venture swear odde or even for a wager? since that he hath no true knowledge for his guidance, nor the least degree of certainty to steer by or fix him.

CHAP. V.

A farther confirmation of the premisses.

ALL this which I have hitherto discourse is no more then what is evidently deducible from and throughly grounded in the Principles and Concessions of those Learned persons who utterly deny the Pope hath any Power to depose Princes; who yet neither do, nor can, make out a title and claim for their Doctrine to any higher pretence or degree then that of Opinion: and in this, I presume, I shall speak the sense of all, if I say, it is never lawfull, nor justifiably safe, to swear to an Opinion as true, nor to abjure an Opinion as false, (speaking, as here I do, of such free and debatable Tenets as are openly and avowedly held and taught by Catholick Divines, divided amongst themselves in their private sentiments and School-disputes,) because no one of these Opinions can sufficiently answer for its own truth, nor secure the officious Swearer, who lends it his Oath, that he goes Christianly and groundedly to work, whether side soever of the Opinion he makes choice of to be sworn or abjur'd. For it is not in Opinions as in things which we know by clear and certain evidence, as it happens in those early and fair Notions implanted in us by nature from the first glimmering of Reason, called First Principles, as, that *Every whole is greater then a part of the whole*; *It is impossible for the same thing*

to

to be and not to be at the same time, &c. which great Maxims of Nature sufficiently speak for and evidence themselves, without the help of Syllogisms, moods, or figure; and are no sooner understood, then readily and necessarily assented unto. Nor is it in Opinions as in certain scientifick Deductions and demonstrative Conclusions, partly flowing connaturally by a train of immediate consequences, partly drawn and hammered out with much pains, study and speculations from the aboresaid Principles: which Deductions and Conclusions are called Sciences, whose chiefest property and richest piece of satisfaction, whereby they gratifie the Understanding of man, is their clear and convincing Evidence, placed beyond all contradiction from Sense or Reason. Nor, lastly, is it in Opinions as in those supernaturall Truths made known unto us by Divine revelation, and are of Faith; where there is absolute Certainty, though without Evidence: for Faith wears a scarf before her eyes, and believes what she sees not. Both which, to wit Faith and Science, as they justly command and challenge, so withall they fully secure our assent from all danger, and suspicion of error, the one by its Evidence, the other by its Certainty; the one interesting the light and patronage of the first Principles, the other engaging Divine and infallible Authority for the truth of their Propositions.

But in Opinions it fares quite otherwise: for an Opinion having neither the Evidence of Science, nor the Certainty of Faith, nor indeed any other inferiour degree of Certainty, physicall or morall, (as the Schools speak) but only the slippery knot of Probability to hold by, leaves the considering Opiner in a state of suspence and indetermination, not daring, nor indeed knowing how, to yield any more then a faint and timorous assent to either side of the Tenet, seeing that neither side is any more then onely probably true, or probably false. And because true, and onely probably true, false, and onely probably false, are not the same, but two very different things, and at so great a distance, that no art or law of consequence can ever bring them together, or convincingly,

cingly argue from the one to the other; hence it is, that what is onely probably true, is not therefore true, and what is onely probably false, is not therefore false: from whence it is finally and manifestly concluded, that neither side of an Opinion is lawfully affectable by Oath as simply true, nor safely abjurable as simply false.

To come now to the particular Tenet which denies the Pope's Deposing power in all cases, circumstances and emergencies whatsoever. If we addresse our selves to the Maintainers and Abettors of this Tenet, if we consult the Authour and Publisher of the Questions, if we propose the Case to the *Sorbon* Doctours and the Faculty of *Paris*, we shall find all their answers concurring in this, That their negative Tenet is no more then an Opinion. For, first, the Publisher of the Questions coming to speak of the difference between the Deniers and Abettors of this Power, and the nature and quality thereof, plainly professeth, that this difference is no difference of Faith, but onely of Opinions: and the Authour of the Questions calls it an Opinion, a safe Opinion indeed, but no more then other thing then an Opinion: an Opinion also the *Sorbon* Doctours take it for, nor is their own Censure or Doctrine any more then their Opinion. Neither do they, nor indeed could they with any shew of reason, or coherence to their own principles, discourse at any other rate, or ever intend to screw it up any higher then an Opinion. For it is not to be imagined, that those grave, learned and prudent Divines, who in their publick Articles concerning Papal and Regal Authority (in the year 1663.) do not own or look upon any Censures, Decrees or Definitions of *Rome*, (antecedent to, and abstracting from, the joynt consent or acceptation of the Church as inerrable,) would ever goe about to set up an independent or infallible Chair in the *Sorbon*, and deliver their Doctrine either as a Point or Article of faith in it self, or as a Rule of faith to others, but onely as a Rule of Opinion, (if you please) and a Judgment whereby such as were under their charge might remember to frame and regulate (not their Faith, but) their Opinions:

towards the end of his large Preface.

Vide Articulos Facultatis Parisiensis de Authoritate Pontificia & Regia, Art. 6.

Opinions: which are the expreſs words of the Decree it ſelf. Since then the deniall of the Pope's Depoſing power neither doth nor can pretend any higher then an Opinion, admit that its being the Opinion of ſo many Learned Divines might render it ſafe to hold and embrace it; yet its being but an Opinion, though of Learned Divines, renders it unſafe to ſwear it, and no leſs unſafe to abjure what is contrary to it. The Reaſon I have already given, Becauſe nothing can lawfully be ſworn as true which is not more then meerly probable or probably true, that is, which is not either certain or infallible: now all the Learned know, that a *certain or infallible Opinion* is as great a bull as an *uncertain fallible Article of faith*; ſo that to ſwear to an Opinion as certainly true, is as much as to ſwear an Opinion is no Opinion, and the Swearer doth thereby at one breath intangle himſelf in his own words, his Reaſon in a Contradiction, and his Soul in Perjury.

CHAP. VI.

A particular Danger of Abjuring the Pope's Depoſing power according to the form ſet down in the Oath of Allegeance.

I Shall here annex a particular conſideration of the wofull Snare thoſe ſouls run themſelves into, and apparent Danger of Swearing they know not what, who venture to abjure the Depoſing power as it lies expreſſed in its ſeveral Branches in the Oath of Allegeance; whereas thoſe Learned perſons who undertook to defend and explain the Oath render it not onely difficult, but next to impoſſible, to underſtand what it is that is to be abjured. I think I may take it for granted, that no perſon of integrity and candour can ever conceive it lawfull for him to ſwear, without firſt endeavouring to gain a right underſtanding of what he is to ſwear: for to ſwear what a man underſtands not, is blindly to rove at a venture, and to ſwear he knows not what, wilfully abandoning the

conduct, and ſlighting the inward upbraidings and reproofs of his Reaſon: and, which is worſe, it bewraies a ſeared Soul, a wretched and ſinfull preparedneſſe of mind to proſtitute an Oath to the atteſting of any thing that comes next to hand, where Self-indemnity or other ſecular ends and advantages are propoſed as the accurſed purchace or reward of Perjury.

In the Oath of Allegeance it is required of us to abjure the Pope's Depoſing power in all and every its reſpective Branches therein expreſſed: one of which Branches is, That the Pope hath not any Power to authorize any forrein Prince to invade or annoy the King or his Countries. Which Branch (by the way) the Authour and Publiſher of the Queſtions in the form of the Oath ſet down by them have wholly omitted in both Editions, as well that of the year 61, as the other of this preſent year 74. through what miſtake or how occaſioned I know not. It is not eaſily to be conceived what ſubtle Obſcurities and learned Intricacies *Roger Withrington*, one of the greateſt Champions that ever appeared for the Oath, and his friend *C. J.* (who confeſſeth to have compiled his * Book out of *Withrington*'s expreſſe Grounds and Doctrine,) plunge themſelves and their reader into, in deſcanting upon this one point of the Oath. † They tell us, that by this clauſe is not denied the Pope's Authority to *command* (but onely his Power to *authorize*) in Temporals, in order to a Spirituall good; or, to *declare* that they who have Authority to depoſe, or to make war, are bound to uſe their Temporal Authority, and to draw the Temporal ſword, when the neceſſity of the Church and Spiritual good of Souls ſhall require the ſame: for that this Authority to *declare* and *command* doth not exceed the limits of a Spiritual power. Thus theſe Learned Perſons.

Let me here intreat the courteous Reader to lend me his eyes and attention to help me out. For if Temporal Princes, as is here ſuppoſed, have Power and Authority to invade or annoy forrein Princes or their Countries, nay to depoſe them, when the good of Souls and neceſſity of the Church ſhall require

* This Book was printed in *an.* 1620. and called *The New-year's gift*, or, *A brief and clear Explication of the Oath of Allegeance.*

† *Withringt.* in Apol. n. 99. and in his other books very often. Alſo *C. J.* in his Explication of the Oath of Allegeance, p. 74.

quire it; if the Pope is to be Judge of this neceſſity, and to declare when, againſt whom, and upon what occaſion the Temporal ſword is to act its part by invading or annoying the delinquent Prince his Perſon or State; if, I ſay, the Pope hath Power (though not to *authorize*, yet) to *declare*, and not onely to declare, but to *command* the doing of all this, as being in the line of Spirituality, and within the vierge of an Eccleſiaſticall Juriſdiction: truly my opinion is, (and I think every ſober and diſintereſſed Judgment will upon due reflexion ſubſcribe to the ſame,) that this Doctrine, as it contributes little to the Security of Princes, and as little to the ſatisfaction of intelligent Readers; ſo it is not every one can eaſily underſtand, or be able to reconcile it to truth and its ſelf: for, if I miſtake not, it foully claſhes with both. For, (ſince we are here treating of the Legality or Illegality of an Oath, and what we may or may not ſafely ſwear or abjure,) what can ſeemingly have more of the Riddle, or leſs to the purpoſe in it, then to be gravely told for our inſtruction, and the quieting of our Conſciences, that we may lawfully abjure the Pope's Power of *Authorizing*, but not in any wiſe abjure his Power of *Commanding* a forrein Prince to invade or annoy His Majeſty or His Kingdoms? Again, that we may ſafely ſwear the Pope hath no Power to *Depoſe* Princes, but that we muſt not abjure his Power of *Commanding others to depoſe* them? Alas! and is not this a much miſtaken favour, a mere mock-pretence of Security to Crowned heads, and of eaſe and relief to troubled Conſciences, wholly built upon this nice and ambiguous Diſtinction, of *Authorizing*, and *Commanding*? A Diſtinction in this caſe ſo ſubtile, that it is impoſſible to find where the difference lies, and is therefore in very deed no Diſtinction at all; either in reſpect of the King, to whom it is all one, (and His perill or ruine undiſtinguiſhably the ſame,) whether He be invaded and depoſed by the Pope's *Authority*, or onely by his *Command*. Neither is it any Diſtinction in reſpect of the Swearer, who cannot ſecurely, nor without a ſelf-contradiction, (from which this Diſtinction can never clear him,) ſwear that the Pope hath not any Power and Authority to

depoſe

depoſe Princes, if he have Power and Authority to *command others to depoſe* them: becauſe this authoritative injunction of his is enough to intitle him to the fact; and his very Commanding others to depoſe, both makes and denominates him the Depoſer.

Beſides all this, if it be true what theſe Authours aſſume, that Temporall Princes have (when the good of Souls and the neceſſity of the Church requires it) Power to depoſe one another, how can any man, being of this opinion, lawfully ſwear the Pope hath not any ſuch Power, who, as we all know, is a mixt perſon, and as well a Temporal Prince as a Spiritual Paſtour? and therefore it would argue great partiality in this Doctrine, wholly to exclude him, at leaſt as he is a Temporal Prince, from his ſhare in the Depoſing power: from whence it would finally follow, that the Oath could not be taken without a diſtinction of different formalities in the ſame perſon, that is, without diſtinguiſhing the Pope as Pope from himſelf as he is a Temporal Prince; and then alſo the two formalities being at odds, the Temporal Prince would be the more powerfull Pope of the two.

Theſe and the like entangled Poſitions I take to be clearly conſequential, and abſolutely neceſſary inferences from the aforeſaid dark and perplexed diſcourſe of theſe Authours. Now the uſe and advantage the Reader may pleaſe to make hereof is this ſober and wholeſome reflexion, That ſince *Withrington*, who beſtowed much pains, and ſince large and learned Comments, upon the Oath, ſince he, I ſay, whilſt he pretends to explain one of the Branches of that very Point wherein *the Subſtance of the Oath* conſiſts, (according to the Authour of the Queſtions,) leads us into ſuch a Labyrinth of thorny and inſignificant Diſtinctions, croſs and thwarting Niceties of words, as that a more then ordinary clue of reaſon and attention is neceſſary to wind us out; what conſcienclous and conſiderate perſon of leſs leiſure, induſtry, learning, and other abilities, then *Withrington* was, ſeriouſly pondering this Oath, ſhall hope he underſtands what he is to abjure, or dare to abjure what he underſtands not?

CHAP.

CHAP. VII.

The just Plea of Conscience in refusing to abjure the Deposing doctrine consider'd with the like reference to the Depositions of Popes as of Kings.

I Am much taken with the seasonable advice and wholesome caution I find in the Fourth of the Controversial Letters, which I shall elsewhere have occasion to quote more at large: "Princes and Bishops, saith this Gentleman, "(*pag.*8.) are both sacred; let what belongs to them be so too, "and not touched without the excuse of necessity, or obliga- "tion of duty. It was under the warrant of this apology to my own thoughts, and the confidence of my Reader's candour, that I first engaged in this Discourse; and that now, for his farther satisfaction, (to shew that there is nothing of any Popishly-affected partiality in the refusing this abjuring Oath, but that our Recusancy is wholly grounded upon sound Reason and upright Conscience,) I shall compare the unlawfulness of abjuring the Pope's Deposing power, with the like unlawfulness of abjuring the Power of deposing Popes; both these Powers being alike controvertible amongst some of the Learned, whereof divers do freely and openly teach that Popes may be deposed as well as Kings, and for the like cause.

For which end I shall here advance and confront in their severall instances two Propositions of a more large and comprehensive nature in relation to the Deposing power: as first, *That there is absolutely no Power or Authority upon earth, either Spiritual or Temporal, to depose Kings, let the cause or pretence be what it will*; secondly, *That there is absolutely no such Power or Authority upon earth, Spiritual or Temporal, to depose the Pope.* The first of these Propositions is that which in the year of our Lord 1614. the House of Commons in *France*, in the General Assembly of the Three Estates, would

have been at, and offered not onely to own and ſwear to it themſelves, as a fundamental and holy Law, but alſo paſſionately endeavoured that others ſhould be compelled by rigorous penalties to doe the like. But the project was ſtifled in the birth, and the abortive Bill laid aſide by the Lords Spiritual and Temporal, who, well weighing the controverted nature of the caſe, were more conſiderate, and tender of their Oaths, then to venture them upon a foundation which, take whether ſide they pleaſed, muſt needs fail, and betray the Swearer to an active ſin and ſhame.

But what ſhall we ſay to the ſecond Propoſition? may we not ſtrain a little farther for the Pope then the King? will not Religion bear us out, if we adventure to ſwear, that there is not any Power upon earth, Spiritual or Temporal, to depoſe the Pope? To which I anſwer, It is neither Religion, Veneration, Duty, or Awe to the See of *Rome*, which ought either to perſwade or extort, any more then it can legitimate, ſuch an Oath; which it can never do, in regard of the publick and unreproved diſputableneſs of the caſe. For whether we conſider matter of fact or right, it is no news amongſt Catholick Divines, that if the Pope ſhould become an Heretick, (and they grant the [*If*] to be no impoſſible ſuppoſition,) he then forfeits his right to the Apoſtolical Chair, and thereupon may lawfully be judged and depoſed by the Spiritual power of the Church. And this is a Doctrine which hath been long publick to the world; a Doctrine pretending a Canonical Conſtitution and a Conciliary Act for its ground and ſupport; a Doctrine not unknown to *Italy*, yet uncenſured at *Rome*, nay, held and taught by ſome who lived and wrote even at the Pope's feet.

Canon de Papa, Diſtinct. 40. Synod. 8. act. 7.

Where, by the way, our impartiall School-men ſeem at leaſt to clear themſelves from all ſiniſter prejudices of Favour and Flattery, and the ſtale imputation of framing and modelling their Doctrines to the humour and intereſt of the Court of *Rome*; whereas we here ſee that ſome of them, and thoſe of eminent note, make as bold with the common Fa-

ther

ther of the Church, the Pope himſelf, and even run him down with their Speculations as confidently, and with as much ſhow of zeal, as at other times they ſet themſelves to unthrone the meaneſt Prince in Chriſtendome, upon the ſame pretence. And though his Holineſs knows that Popes ſit not ſo faſt, nor are ſo firmly rivetted to their Thrones, but that divers of them have been depoſed; and ſees withall this particular Depoſing doctrine, threatning Popes no leſs then Princes, taught under his very eyes, and for the ſame cauſe, and that cauſe Hereſy, and that Hereſy hath even by Catholicks been charged more then once againſt ſome of his Predeceſſours: yet (notwithſtanding this concurrence and complicated pretence of Fears and Jealouſies) he never goes about to eſtabliſh his Rights, Perſon and Authority, by any ſuch aſſertory Oath as ours is; but chuſeth rather to truſt Providence with his concerns, then that the Triple crown ſhould owe any part of its Security to an illegal and unneceſſary Oath, or his people be compell'd needleſſy to ſwear away the peace of their Conſcience, for ſecuring that of the Commonwealth.

But to draw the caſe yet to a nearer parallel, and to cloſe more particularly with the Oath of Allegeance, wherein we are commanded to ſwear, that *the Pope neither of himſelf, nor by any Authority of the Church or See of* Rome, *nor by any other means, with any other, hath any Power or Authority to depoſe the King*; (and this to be underſtood as to comprehend all cauſes, caſes or pretences poſſible.) Let us ſpell the Oath backwards, and reade *Pope* for *King*, and *King* for *Pope*; and then ſuppoſe we were injoyned to ſwear, that no King or Prince, either of himſelf or by any Authority of the Church or See of *Rome*, or by any other means, with any other, hath in any poſſible caſe any Power or Authority to depoſe the Pope; let us ſee what the Schools and the publick and currently-allowed Tenets of Divinity will award as to the taking or refuſing this Oath.

It is acknowledged on all hands, there are divers inſtances from hiſtory of Depoſitions of Popes by Temporal Prin-

ces, as well as of Temporall Princes by Popes, which yet our Divines seem to restrain to the common case of Heresy: and therefore the otherwise pious and godly Emperour *Otho* incurred at least the mild censure and reprehension of such pens as record the fact, for deposing Pope *Iohn* the XII. because (though he was one of the worst of Popes, yet) by the crime of Heresy he was wanting in the black list of his Offences to fill up the measure of his crying Misdemeanours, and justify the Sentence and severity of his Deposition; though even taking the case as it was, not onely the pious Emperour (saith *Bellarmine*) conceived this Pope might be deposed, but many Doctours thought so as well as he.

Bellarm. *de Rom. pont. l. 2. c. 29.*

But however, nothing is more certain, then that it is a common and allowed Opinion of divers Divines, that in case of Heresy the Pope may be judged and deposed by the Church. Some of which carry it yet a step farther, adding [*ought*] to [*may*,] that is, that he not onely *may*, but *ought* to be deposed: and that this *may* and *ought* is not onely the Churche's right, but her obligation, and she thereby bound to proceed to due execution thereof, to the utmost of her power: and if the Pope, who is to be deposed, should chance to resist, oppose and stand in defiance of the Churche's judgment, and she not in a condition to curb his obstinacy to an account, and to turn him out of his Chair by virtue of her Spiritual arms alone, and yet her duty still supposed incumbent and pressing upon her, to discharge and free her self and her Children from the tyrannical dominion of an Usurper; then these Authours will tell us, that the Law of Nature, or that which is a Law to it self, Necessity, (which even in cases Ecclesiastical takes upon her to justify force, when nothing but force will serve, for the compassing a just and necessary end,) will prompt the Church, as is usual in some other cases, to have recourse to the Temporal Power, and call in the assistence of the Secular arm to her succour. In which juncture, no doubt, any King, Prince, or zealous *Otho*, who would please to interest himself in and espouse the Churche's quarrel, might both deserve and receive her Commission and thanks,

thanks, to act with authority, as a welcome auxiliary in the Holy war, even to the Deposing of the Pope, and placing another in his Throne, in order to the good of Souls, and the just recovery of the Ecclesiastical liberties and Spiritual rights.

Here then being a Case confessedly possible, and an Opinion which Authority renders probable, in which Case, and according to which Opinion, Kings and Princes have, at least by Authority of the Church, and with others, Power and Authority to depose the Pope; I see no objection offer it self, but the way open and fairly smoothed to this Resolution of the Case. That no Catholick can safely take this counter-Oath, nor securely swear, that no King or Prince, either of himself, or by any Authority of the Church or See of *Rome*, or by any other means, with any other, hath (in any possible case) any Power or Authority to depose the Pope.

And therefore comparing the two Oaths together, this and the Oath of Allegeance, I think that, as no man could rightly be accounted a bad Catholick at *Rome*, for denying to take this, so neither can he justly be reputed a bad Subject in *England*, for refusing the other, because this Recusancy is equally blamable in either of the two cases, or absolutely unreprovable in both, the ground of both being one and the same; which indeed is neither favour nor fear of man, but rather a just fear of incurring God's disfavour, and the inviolable duty we owe to Truth, and an upright Conscience, which lays an indispensable tie of Recusancy upon us, so far as never to take any assertory Oath, requiring of us to swear or abjure any speculative controverted Doctrines, though we suppose the Oath to be as much in favour of the Pope, as our Oath of Allegeance is conceived to be of the King.

CHAP. VIII.

Abjuring the Depoſing doctrine neither is, nor can be any part of the Oath, as it is an Oath of Allegeance, and therefore not at all neceſſary to a true Oath of Allegeance.

More Allegeance may be ſworn, and better Security given to Princes, by abjuring all Diſcourſes and Diſputes in favour of the Depoſing doctrine, then by abjuring the Doctrine it ſelf.

* printed at *London* 1649.

I Have ſeen, and taken ſome pains to peruſe, a * Book of Oaths, and the ſeveral terms thereof, (above two hundred in all,) both ancient and modern, forrein and domeſtick, out of ſundry authentick Books and Records, wherein, amongſt ſo many Oaths of Fealty, Service and Duty, as are mentioned there, (which generally run in the promiſſory ſtrain,) I find not one that injoyns the ſwearing or abjuring of any controverted Doctrine, ſave onely our two Oaths of Allegeance and Supremacy; which upon that account lie under the juſt exception (as I think) of being ſingular and without precedent in their kind: wherefore what the Authour of the Queſtions ſo expreſly aſſumes, (my ſelf alſo, for his and the Argument's ſake, having been willing hitherto to goe along with him in his own ſuppoſition,) viz. *that the Abjuring the Pope's Depoſing power is the Subſtance of the Oath*, cannot be ſtrictly made out without the help and allowance of a diſtinction, nor regularly underſtood but onely of the aſſertory part: for otherwiſe, if we ſpeak properly, it is ſo far from being the *Subſtance*, that it is not ſo much as a *Part* of the Oath, as it is an Oath of Allegeance, and a Bond of Duty from the Subject to his Supreme Lord.

And

And of this there will need little proof, when it is considered, that the Bond of an Oath is in reference to ſomething which is to be performed for the future; and therefore cannot appertain to an aſſertory Oath, (which is a thing preſent or paſt,) but belongs onely to a promiſſory Oath. Wherefore ſince it is plain, that this abjuring the Pope's Depoſing power is an aſſertory Oath, there can be no doubt, that it being in it ſelf, and in the nature of the thing, no Bond at all, it can be no Bond of Allegeance, and therefore alſo no part of the Oath as it is an Oath of Allegeance. *S.* Thomas 2. 2. *qu.* 89. *ar.* 7.

And if the forbearing all Diſputes and Diſcourſes any ways favouring the Depoſing power may be (as I think it is) look'd upon as part of our Allegeance; then it follows likewiſe, that more Allegeance may be ſworn by the promiſſory Oath, in abjuring all ſuch Diſputes and Diſcourſes in favour and defence of the Depoſing doctrine, then by abjuring the Doctrine it ſelf; becauſe this laſt Oath of abjuring the Doctrine it ſelf, being purely aſſertory, contains no Promiſe, Bond, or Tie at all: ſo that in fine it is the promiſſory Oath alone that is the true Oath of Allegeance, and the ſole Bond of Duty from the Subject to his Prince.

This I take to be the reaſon why ſome learned Catholicks, who underſtood both themſelves, the difference of Oaths, and the nature of Allegeance, full well, having upon ſundry emergent occaſions exhibited to the publick ſeveral Oaths of fidelity for the quieting of all State-jealouſies and fears from the Pope's Depoſing power, have wholly confined themſelves to the promiſſory form. Thus 13 Catholick Prieſts made a ſolemn Proteſtation of their Allegeance to Queen *Elizabeth* by a publick Inſtrument the laſt day of *January*, and the laſt year of Her Majeſtie's reign, wherein, after having acknowledged the Queen (though divided from the Church of *Rome* in Communion) for their true and lawfull Sovereign, they promiſed that they would yield to Her Majeſty all Obedience in Temporal cauſes, notwithſtanding any Authority or any Excommunication whatſoever denounced, or to be denounced, againſt Her Majeſty or Her Subjects.

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The like Declaration and Acknowledgment Mr. *James Haughton*, (*alias* Mr. *Thomas Green*,) Professour of Divinity of the holy Order of Saint *Benedict*, gave under his hand to the then Lord Bishop of *Durham*, the 5. *November* an. 1619. and did promise and vow to be a true and faithfull Subject to His *Majesty*, and His Successours during his life, notwithstanding any Sentence from the Pope whatsoever of Excommunication, Deposition, or Absolution of His Majestie's Subjects from their natural Obedience to Him or His Heirs.

There hath of late years been often reprinted a brief Explanation of the *Roman* Catholick belief concerning their Church-worship, justification, and Civil government, in the last clause whereof are these expres words: "We are (say they) "most strictly and absolutely bound to the exact and entire "performance of our Promises made to any person of what "Religion soever, much more to the Magistrates and Civil "Powers under whose protection we live, whom we are "taught to obey by the Word of God, not onely for fear, but "Conscience sake, and to whom we will most faithfully ob-"serve our Promises of Duty and Obedience, notwithstan-"ding any Dispensation, Absolution, or other proceedings "of any forrein Power or Authority whatsoever." And this they sincerely and solemnly professed in the sight of God, the Searcher of all hearts, without any equivocation or mentall reservation whatsoever.

History of the *Irish* Remonstrance first part of the first Treatise, 3. 86.

The Objection which some offer against the sufficiency of these or the like forms, grounded upon the difference which the Objectours make between [*Will not*] and [*Cannot*,] is, in my opinion, wholly groundless; what they pretend with so much solicitude in behalf of the State being onely this, That it is not enough for a man to swear he *Will not*, unless he swear also he *Cannot* be dispensed with or absolved from his Allegeance. Which to me seems no reason at all, why *Will not* may not be as good a Subject, and give as full security for his Allegeance, as *Cannot*: his Oath by which he swears he will not ever accept or make use of any Dispensation or Absolution from his Allegeance, being to him as indispensably binding,

The Publisher of the Questions in his Preface to the Authour himself, pag. 25. And the Protestant in the 9. Controversial Letter.

binding, and tying him as faſt to his Prince and his intereſt, as any Oath can poſſibly do. For if it be replied, that he who now ſwears he will not ever accept or make uſe of any ſuch Diſpenſation or Abſolution, may come hereafter to alter his mind; and then what is become of his cobweb-Oath, and the ſecurity he gave for his Fidelity? It may with as much reaſon and truth be retorted, that he who now ſwears he cannot be diſpenſed with, nor abſolved from his Allegeance, may come hereafter to alter his opinion; and then where is his cobweb-Oath, and the ſecurity he gave for his Fidelity? I anſwer then for both, That though Wills and Opinions are ſlippery things, yet an Oath may fix both the one and the other; yet with this difference and advantage againſt the foreſaid Opinion, that Wills may be fixed immediately, Opinions onely mediately, and indeed by no other means then by firſt fixing of Wills.

Firſt then, that an Oath may immediately fix and reſtrain the Will, I take to be a clear caſe: for he that ſwears (for example) he will not doe ſuch or ſuch a thing tending to the prejudice of a third perſon, is without more adoe under as ſtreight and indiſpenſable a ty as any Oath can bring upon him; that is, he cannot ſo much as change his Will, nor goe back with his Promiſe, without Perjury, and proving falſe to God, his own heart, and his Oath. As for Opinions, ſince it hath been already proved, that it can never be ſafe to ſwear or abjure an Opinion; and then, (ſecondly,) though it were, yet ſuch an Oath, being an aſſertory Oath, could bring no bond or obligation upon the Swearer, ſo much as of not changing his Opinion for the future: hence it plainly follows, that the way of fixing and reſtraining Opinions is onely mediately, and by firſt fixing and reſtraining the Will, either by a promiſſory Oath, or by the ſeverity of the Law, or by both jointly. For inſtance, take in King *Henry* the VIII. his daies; upon occaſion of the then *Six* famed *Articles* of Religion, it was ordained and enacted by authority of Parliament, "That if any perſon or perſons within this Realm of "*England*, or in any other of the King's dominions, did by H. 8. 31.

"word, or writing, printing, cyphering, or any otherwise, "publish, preach, teach, say, affirm, declare, dispute, ar- "gue, or hold any Opinion contrary to the foresaid Articles, "that then such person or persons so offending should be li- "able to such and such particular penalties as are expressed "in the Statute.

Were this pattern copied out by our Age, and that there were a Law now in force, That if any person or persons within this Realm, or in any other of the King's dominions, did by word, writing, printing, cyphering, or any other waies, publish, preach, teach, say, affirm, declare, dispute, argue, or hold any Opinion in favour of the Pope's Power of deposing Princes, that then such person or persons so offending should be liable to such and such penal severities, as the Legislative power of this Nation had in their grave wisedom thought fit to appoint; were there, I say, such an Act as this in force, he who would swear to a strict observance thereof, would have no more to answer for his Opinions in this particular.

But yet again, though there be no such Law extant, let but the good Subject be admitted to swear, that he will never by word, deed, or any otherwise, countenance, abett, defend, maintain, preach, teach, or publish any Opinion in favour of the Pope's direct or indirect Deposing power, and for the rest, that he will inviolably bear Faith and true Allegeance to the King, notwithstanding any Dispensation or whatever other proceeding to the contrary, and not onely never act against Him, but also assist, to the best of his power and skill, and side with Him against any Power whatsoever, that shall at any time act against Him, or attempt against His Sacred Person, Crown, or Dignity: Questionless, no Security imaginable can be greater then this; forasmuch as no one can be more faithfully true to his King, or more securely incapable of proving disloyal to Him, whilst this Oath is kept. And for security that he will keep it, I conceive, no good Subject will refuse to swear that he will be content, if ever he fail in the performance hereof, to be deemed and adjudged

judged a Diſturber of the peace, and an Enemy to his King and Country, a man forſworn before God and the world; and will therefore freely offer to be puniſhed as in caſe of Perjury and Rebellion, that is, to forfeit his Body to the Law, his Soul to the doom and wrath of the laſt day, and his Name to ſcorn and reproach. Were this throughly weighed and duly ſworn, I know no Expedient that could more effectually contribute to the perfect quieting of all juſt fears of the State, nor more ſecurely anſwer for the peaceable diſpoſition and opinions of the Swearer; whenas even the moſt hidden thoughts and abſtracted notions of the ſpeculative man, being under unjuſt reſtraint, and having for guaranty ſuch an Oath and ſacred Engagement, are ſufficiently bound to their good behaviour, and ſecured from all ſacrilegious attempts of breaking incloſure, and ſhewing themſelves abroad, though onely by way of publick and open diſcourſe.

Wherefore I ſhall conclude with the Fourth Controverſial Letter, in behalf of the ſilencing and abjuring all Diſputes in reference to the Depoſing doctrine, heartily wiſhing, as * he doth, "that we may all preſerve the majeſty of Supreme "powers in an awfull diſtance, and ſubmit to them with "the reverence of a quiet Obedience, and not make them "cheap by unreaſonable Diſputes. Princes and Biſhops "are both ſacred; let what belongs to them be ſo too, and "not touched, without the excuſe of neceſſity, or obligation "of duty: let every quiet and peaceable ſpirit ſay, Obedience "is the duty which God and my condition require from me; "and in the performance of that I will endeavour to be found "unblamable, and leave diſputing to thoſe who value the "praiſe of a witty and ſubtle man, above that of a faithfull "and quiet Subject. * Pag. 8.

CHAP. IX.

An Answer to the Authour of the Questions as far as concerns our present Question.

IN the first place I shall speak to matter of fact, relating to the *Sorbon* Censures, and the Subscription of the *French Jesuits*; the clearing of both which particulars from some unwary misrepresentations and disguises of our Authour shall be the chief subject of this Chapter.

The first and leading Censure was that of the Sacred Faculty of Theology, which, upon occasion and mature examination of a certain *Latine* Book printed at *Rome* 1625. having in the 30. and 31. Chapters found these Propositions, *That the Pope may with temporal punishments chastise Kings and Princes, depose and deprive them of their Estates and Kingdoms, for the crime of Heresy, and exempt their Subjects from the Obedience due to them; and that this custome hath been alwaies practised in the Church*, &c. and on the 4. of *April* 1626. censured these Propositions of that pernicious Book, and condemned the Doctrine therein contained as new, false, erroneous, contrary to the Word of God, rendring odious the Papal dignity, opening a gap to Schism, derogative of the Sovereign Authority of Kings, which depends on God alone, retarding the conversion of Infidels and Heretical Princes, disturbing the publick Peace, tending to the ruine of Kingdoms and Republicks, diverting Subjects from the Obedience due to their Sovereigns, precipitating them into Faction, Rebellion, Sedition, and even to commit Parricides on the Sacred Persons of their Princes:

The University of *Paris* in their General Assembly on the 20. of *April* 1626. decreed, that this Censure should be publickly read every year; and that if any Doctour, Professour, Master of Arts, or Scholar, should resist, disobey, or make any the least opposition against the said Censure, he should imme-

immediately be expell'd, and deprived of his Degree, Faculty and Rank, without hopes of re-admittance.

The like Decrees on the ſame occaſion, the ſame year, againſt the ſame Doctrine, were made by Seven other Univerſities of *France*. Likewiſe the *French Jeſuits* ſubſcribed the *Sorbon* Cenſures, as the Authour of the Queſtions tells us. And that this was actually done, he is confident will not be denied: that it was commanded, "we need no farther evi-"dence (ſays he) then the Arreſt it ſelf of the Parliament of "*Paris*, dated the 17. of *March* 1626. wherein it is ordered, "that the Prieſts and Scholars of *Clairmont*, and of the other "two Houſes which the *Jeſuits* have in *Paris*, ſhould within "three daies ſubſcribe the Cenſure made by the Faculty of "*Sorbon*. This the Authour of the Queſtions; who needed not have been ſo confident of this laſt evidence drawn from the Arreſt of the Parliament, which doubtleſs muſt needs be a miſtake: for otherwiſe, (unleſs we be reſolved to rob the Year 1626. of ſome more daies then were thrown out of the Year 1582. for the Reformation of the Calendar,) it will be a little hard to underſtand, how the *Jeſuits* ſhould be commanded, by an Arreſt of Parliament dated the 17. of *March* 1626. to ſubſcribe the *Sorbon* Cenſures within three daies, whereas the firſt of theſe Cenſures was not made before the 4. of *April* 1626. and the other not before the 20. day of the ſame month and year, even according to his own computation. The occaſion and ground of the miſtake, I conceive, was this; In the month of *December* 1625. the *Sorbon* iſſued out a Cenſure againſt another Book, entituled *Admonitio ad Regem*; and it was the ſingle Cenſure againſt this Book, and not the two other Cenſures againſt *Santarellus* his Book, (as our Authour miſtakingly ſuppoſed,) which the *Jeſuits* were commanded to ſubſcribe within three daies by an Arreſt of Parliament dated the 17. of *March* 1626. and looking back to *December* 1625.

This very quotation and copy of the Cenſure of the 4. of *April* is not free from its miſtake, or at leaſt of begetting a miſtake in others, and making them think the Cenſure more

clear and home to the point then possibly it is. For amongst the Propositions and Doctrines which the Faculty of Theology had found in the 30. and 31. Chapters of *Santarellus* his Book, the Authour of the Questions having onely set down these, "That the Pope may with temporal punishments "chastise Kings and Princes, depose and deprive them of their "Estates and Kingdoms, for the crime of Heresy, and exempt "their Subjects from the Obedience due to them, and that this "Custome has been alwaies practised in the Church—here he cuts off what follows, and defeats his Reader of his full information with an unreasonable [*&c.*] as if these Propositions were the onely, or at least the principal, object of the Censure: which yet may justly be doubted, for the Faculty goes on in the charge against *Santarellus*, as teaching in the foresaid Chapters, "That Princes may be punished and depo-"sed, not onely for Heresy, but for other causes; (1.) for their "faults, (2.) if it be expedient, (3.) if they be negligent, "(4.) if their persons be insufficient, (5.) if unusefull, and the like; and then follows the Censure it self, not singly and separately upon each Proposition by it self, (which yet is the usual method of the Faculty,) but upon the whole taken in gross: which puts a quite different face upon the matter from what our Authour had given it, and renders it doubtfull whether the Faculty would have pronounced so severe a Judgment against the first part of the Doctrine, had not those last Propositions proved to be the aggravating circumstance (or rather cause) that deservedly occasioned and sharpened the Censure.

See the Censure it self, and first Cont. Letter, pag. 13.

As to the Subscription of the *Jesuits*, the true account of that action stands thus: *Santarellus* his Book had been condemned at *Rome*, which it was not for our Authour's purpose to take notice of, and his Doctrine generally cried down, and disavowed by all good men, before ever it fell under the brand of the *Sorbon* Censures: all which notwithstanding, such and so eminently singular was the caution and zeal of *France* against this (though already sufficiently suppress) mischief, that upon the 14. of *March* 1626. the Principal of the

French

French Jesuits, with three Superiours, and three other ancient Fathers, being summoned to appear before the Parliament of *Paris*, and being asked what they held as to the Points noted in *Santarellus*; Father *Cotton*, the then Provincial, (having in the name of the rest of his Order disclaim'd all singularity of Opinions different from other Divines,) answered, "That the Doctrine of the *Sorbon* should be theirs, and "what the Faculty of *Paris* should determine and subscribe, "they were ready to subscribe also. And this indeed may pass for a Subscription to the *Sorbon* Censures, even before they were made.

But from this Subscription of the *French Jesuits* our Authour runs into another mistake, seeming to wonder why the *English Jesuits* should scruple a downright Oath, which is exacted of us, any more then the *French Jesuits* did a simple Subscription, which was onely required of them: And then taking upon him a sober and grave style to open the mystery of (this particular) *Jesuitism*, he attempts it in these very terms.

"Now were I demanded a reason, (says he) why so circumspect and wise a Body should act so differently in the "same Cause, but different Countries, I could onely return "this conjectural answer; That, being wary and prudent persons, they could not but see the concerns they hazarded in "*France*, by refusing to subscribe, far more important then "what they ventured at *Rome*, by subscribing; whereas in "*England* all they can forfeit by declining the Oath of Allegeance (being themselves but few, and without the engagements of Colledges and Foundations,) is perhaps of "less esteem with them, then the interest of their universall "Body at *Rome*, whence so many advantages are continually derived to the rest of their Society." This is to a little his full discourse upon this subject.

And now were I demanded a reason, why this Gentleman should thus freely let loose to a weak and meer conjecturall descant upon the very thoughts and secret intentions of religious men, (as if any temporal interest were or could be more

dear

dear to, or ſway more with them then Loyalty to their King and Country,) my charity would prompt me to aſcribe it to ſomething of a too precipitate and miſtaken zeal, or ſiniſter preoccupation of judgement, which is too eaſily taken up at unawares in this Age of ours, and oftentimes foſtered to the great prejudice of the innocent, even by perſons otherwiſe of a ſober and no immoderate temper; who might doe a great deal of right, no leſs to themſelves then others, would they be pleaſed to conſider, that this is a great breach of Chriſtian Charity, and is one day ſadly to be reckoned for, when an impartial and all-knowing Juſtice ſhall ſit upon the Bench to judge between man and man.

Neither is the ſtrength of the Gentleman's Diſcourſe, nor the depth of his Politicks, ſuch, but that a very common reaſon and an eaſy reflexion (bating paſſion and prejudice) may be *Machiavil* enough both to fathome and anſwer him. For if the Cauſe of the *French* and *Engliſh Jeſuits* were the ſame, (as he pretends it is,) and withall they ſuppoſed to be thoſe circumſpect, wiſe, wary, prudent perſons, as he is pleaſed to character them in this place; then the *Engliſh Jeſuits* muſt needs ſee, that by writing after the copy which the *French Jeſuits* have ſet them, they could not in any likelihood hazard any of their publick concerns at *Rome*, nor juſtly fear the endangering the intereſt of their univerſal Body there, by acting no more then the *French* had done in the ſame Cauſe without any known check or cenſure from the See Apoſtolick to this day. And the Authour of the Queſtions affords me a convincing proof of this in his ſecond Queſtion, from whoſe mouth I take the words, and argue thus; That if there be Reaſons enough to turn the eye of Authority quite away from ſeeing what the *French* (*Jeſuits*) ſo openly avowed in the face of the world, are there not enough to connive at the *Engliſh* (*Jeſuits*,) who are but a few, and act privately, and not without the excuſing plea of extreme neceſſity? The Argument cannot be diſliked, becauſe it is perfectly his own. Wherefore if (as he ſaith) the Cauſe of the *Engliſh* and *French Jeſuits* be the ſame, I conceive our Authour was much

much miſtaken in his conjectural anſwer, as to the reaſon he aſſigns of their different Actings in the ſame Cauſe. For if the Cauſe be not the ſame, (as plainly it is not,) then this miſtake is much the greater, and his charity the leſs. Had he produced a Cenſure againſt the Pope's Depoſing power (equal to that of the *Sorbon*) drawn up, ſigned and aſſented to by the generality of Seculars and Regulars here in *England*, (for the ſatisfaction of the State, demanding as a Teſt of our Allegeance the Subſcription of ſuch a Cenſure,) and the *Jeſuits* alone ſhould ſtand out, and refuſe to ſubſcribe and ſet their hands to it; or if he had given us an Oath of Allegeance, exactly parallel to ours, taken by the *French Jeſuits*, and declined by the *Engliſh*; then indeed the Cauſe of both had been the ſame, and their Actings different: but theſe two conditions both failing, that is, the *French Jeſuits* having no ſuch Oath of Allegeance to take as ours, nor the *Engliſh* any ſuch Cenſure to ſubſcribe as the *French*; evidently the Cauſe of the one and the other is not the ſame, and ſo it will be no wonder to an impartial Conſiderer they ſhould act differently in different Cauſes: though I ſhall ſhew afterwards, that nothing can difference either their Principles or Practices, where the Cauſe will bear it.

Another miſtake of the Authour of the Queſtions is, the very reaſon given by him why he conceiveth the diſtinction between a ſimple Subſcription and a down-right Oath to be a meer unneceſſary Scruple; "becauſe (ſaith he) no ſincere and "generous honeſty will ſolemnly and deliberately atteſt under "his hand, what he will not in due circumſtances ſwear to be "true. How? ſwear to be true? and yet this Gentleman knew full well (had he but reflected on it) that the onely Queſtion here is, of Swearing or Abjuring Opinions. Wherefore had this Reaſon of his faln under *Montalt*'s hands, and that he had catcht it dropping from a *Jeſuit*'s pen, how he would have anſwered it I know not: but I am ſure, the daily practice of the Church, in a free and unoffenſive Subſcribing of Opinions, abundantly confutes it: for what more uſuall amongſt our greateſt Divines, in reſolving Caſes of

weight and concern, then to deliver and atteſt their Opinion under their hand? And was it not thus that the Faculty of Theologie delivered and ſubſcribed their Cenſure, as a Judgment for others to remember to frame and regulate their Opinions by? Again, doth not our Authour himſelf, in his Preface, reaſon the caſe in this very manner, "that if three or "four Doctours, nay perhaps one, who hath well ſtudied the "point, can make an Opinion ſafe, how much more where a "greater number and whole Univerſities engage their Judg-"ment? And if then the *French Jeſuits*, ſubmitting their own ſubſcribed to the Judgment of the Univerſity of *Paris*, and by it were willing to frame and regulate their own Opinions; let any friend of our Authour, or his Principles, ſpeak wherein or what was their treſpaſs. For if, as he argues, the Authority of ſo many Catholick Doctours rendered their Opinion ſafe; ſure it could not be unſafe in the *Jeſuits* to ſubſcribe it as ſuch. But now, to draw a generall conſequence from a ſimple Subſcription to a down-right Oath, as our Authour doth, and to conclude, that a ſincere and generous honeſty will oblige a man, in due circumſtances, to ſwear every thing he atteſts under his hand to be true; this, in other terms, is to conclude, that a ſincere and generous honeſty will oblige a man in ſome circumſtances to act againſt Reaſon and Conſcience, by ſwearing an Opinion to be true: which kind of Oath is a groſs offence both againſt Logick and Divinity, and no leſs then Sacrilege and Self-contradiction, as hath been already proved in the Fifth Chapter.

So ſpeaks the Decree it ſelf.

The laſt miſtake (waving many others) I ſhall concern my ſelf with at preſent is found in the Authour's Fourth Queſtion, where he informs his Reader, that the *Jeſuits* are the ſtricteſt of all Religious in maintaining and extending the Pope's Prerogatives. This he gives and atteſts under his hand in print: but I hope his ſincere and generous honeſty would have been loth deliberately to ſwear it to be true: for as I queſtion not but he was too good a Chriſtian deliberately to ſwear an untruth; ſo I think he was too much a Scholar

Scholar deliberately to take this for a truth. For let any learned and unprejudiced person but compare *Bellarmine*, *Suarez*, or any other Writer of the Society, not onely with the loose and exorbitant Fantasies of *Gerrius*, *Mascanius*, or *Zecchius*, but with other grave Religious men, with *Panormitanus*, *Alvarez Pelagius*, *Augustinus Triumphus*, *Bosius*, and too many others to be listed here; and then let him freely judge and speak as he sees cause, which of these Religious are the strictest in maintaining and extending the Pope's Prerogatives. I am sure *Jo. Barkley*, one of *Bellarmine*'s greatest adversaries, was yet so just to him, as to let the world know, that *Sixtus Quintus* expressed his great displeasure (and it was near passing to a Censure) against the Learned Cardinall, not for extending, but rather for clipping the Pope's Prerogatives, by disputing and writing so much as he did against the direct Power, and so giving less to the Pope then the Pope himself claimed, and other Religious men asserted as his due. Besides, how can it be averred with truth, that the *Jesuits* are the strictest Religious in maintaining and extending the Prerogative of the Deposing power, who of all Religious are the onely persons that, by especiall Precept and Decree, (which was first made by themselves, and afterwards renewed at the instance of the Parliament of *Paris*,) have silenced this Doctrine in their Pulpits, shut their School-doors against it, banished it from their publick Disputes, and suffer not so much as the mention of it to pass under their Pens, unless where necessity or duty make it a Crime to be wholly silent?

Jo. Barkley in his *Vindiciæ*, pag. 106.

This the Publisher of the Questions observes.

Lastly, how far the *Jesuits* are from being the strictest in maintaining and extending the Pope's Prerogatives by any particular Doctrine of their own, and how ready they are to disavow and renounce all singularity in this kind, both *England* and *France* afford us a fair instance, in a very observable (and, I think, unexceptionable) harmony of professions and acting between the *English* and *French Jesuits* in point of Allegeance. For as father *Cotton*, the mouth and speaker of the rest of his Order in *France*, freely offered, that the Doc-

trine of the *Sorbon* should be theirs, and that what the Faculty of *Paris* should determine and subscribe, they were ready to subscribe also: so in the year 1662. (the very year wherein these Questions concerning the Oath of Allegeance first came to light) an *English Jesuit*, in the behalf of the rest of his Brethren, offered in print, "that what Oath of "Allegeance the *English* Clergy and other Religious should "agree upon, that they would most readily take themselves, "and willingly invite all others to take it." An evidence then which I think a great deal cannot easily be given, how far they are from any particular kindness to any less allowable Doctrine of their own, who shew so much of submission and deference to others Judgments, as best suiting with the modesty and humility of Religious men.

The Account of the *Jesuits* Life and Doctrine, pag. 120.

CHAP. X.

The rest of the Answer to the Author of the Questions.

AFter a carefull survey, and a no less impartial then particular and due examination, of his small Treatise, I find the main Question throughout the whole so generally mis-stated by him, even contrary to his own expresse assertions, and the very terms wherein he first proposed, and thereby engaged to dispute it, (which I set down in the First Chapter, and purposely stated the principall Controversy out of him, with this previous and particular Observation, *That our present Question was not, Whether a Catholick may safely deny, but, deny by Oath, (that Denial also being the very Substance of the Oath,) and universally abjure the Pope's Power of deposing Princes:*) which point he hath treated so cursorily, and spoken so little directly to it, that the onely application of my former discourse by way of Answer to his few proofs, will be all the Answer which the rest of his Book

can

can justly claim, and the discovery of his Mistakes will be the refutation of his Arguments.

As first, where he endeavours to fetch the parallel over from *France* to *England*, arguing from the Censures and Judgment of the *French* Divines, and pressing the Question home, why we may not safely and uncensurably profess as much as they. To which is answered from the foresaid grounds, That though we might safely and uncensurably profess as much as they, yet 'tis one thing to profess as much as they, and another to swear as much as they profess; and that though the first might, yet the second cannot be safely and uncensurably done: and this for the same reason which by repeated instances I have often inculcated, that where Catholick Divines teach differently, some one way, some another, there can be no safe ground for an assertory Oath in either way, because, chuse which of the two ways you please, it will still be a Question amongst the Learned, whether Truth lies in that way or no; and it is this Questionableness of the Point (till the Church interpose for the decision of the Case) will rise up in judgment against the Swearer, and make out the charge of Perjury against him. And truly, were there no more in taking the Oath of Allegeance, then in Subscribing the *Sorbon* Censures, I would gladly ask this Question of the Authour or Publisher of the Questions, That whereas the said Oath hath been long since translated, and hath now travelled abroad in the Latine tongue for some more then one or two scores of years, how it comes to pass that so many famous *French* Universities, which so unanimously and solemnly and deeply condemn this Position of the Pope's Deposing power, (and all this, as the Authour of the Questions observes, without constraint, voluntarily delivering their free Judgment, unmenaced by their King, unconcerned in Self-preservation,) should not (at least out of a common concern for Religion, whose credit is at stake, or out of a sense of Compassion to us their suffering Brethren in *England*, where our Laws so threatningly command, and our All is so near concern'd) voluntarily deliver their free Judg-

ment, and unanimously subscribe our Oath, and by their Subscribing encourage us to the taking of it; if it were really true, that the taking of the said Oath amounted to no more then the denying or condemning of this Position of the Pope's Deposing power, or that a simple denying and denying by Oath, or condemning and abjuring, were all one.

Then for his next Argument, ("That however the Depo- "sing power may by some be held speculatively probable; "yet, as to any execution, it is practically no Power at all "against one in possession, and consequently may be ab- "jured as such;) This, I say, seems too plainly to beg the question, and to take that for an uncontrovertible truth, which hath been already shewn (and is necessarily implied in the very state of the Question) to be the chief, or rather the onely point in controversie, between the Deniers and Assertors of the Deposing power. For, that this Deposing doctrine hath been held by Popes and other Learned Divines, not onely as speculatively probable, but also as safely practicable, even against one in possession, appears manifestly, not onely by their open pretence and claim, but also by their frequent and publick Sentence of Deposition against severall Sovereign Powers, (all of them actually in possession,) even from the time of the Emperour *Hen.* IV. to the days of King *Hen.* IV. of *France*, the first and last of Christian Princes who stand as instances upon record, and sad testimonialls, of Papal Deposition; the one having had the Sentence of Deprivation passed against him by Pope *Gregory* VII. the other by *Sixtus* V. *England* in particular hath cause to remember and deplore the lamentable effects of the like Sentence pronounced by *Paulus Tertius* against King *Hen.* VIII. and of *Pius Quintus* against Queen *Elizabeth*. Likewise I have already, in the Fourth Chapter, quoted the testimony and free acknowledgment of the Authour of the Questions, that this act of deposing Kings hath not onely been done by Popes, but approved by Councills. All which I do not produce (any more then he himself doth) with the least intention or design to interest my self in the decision of that Question,

So *Onuphrius* mentions him, *lib.* 4. *De varia creat. Rom. Pont.*

on, or to prove that the Doctrine is in it ſelf practically probable; but onely that it was held ſo by Popes, Councils, and Learned Divines; and therefore, as being a controverted Point of doctrine, can be no due and immediate object of an aſſertory Oath, nor ſafely abjurable (even by thoſe who otherwaies hold it ſafely deniable) as practically no Power at all.

There followeth another Argument, which the Authour of the Queſtions, in purſuance of his uſual way of arguing, and conformably to the title of his Work, propoſeth by way of Quere. "Let them tell me, (ſaith he, *pag.* 25.) are "they not ready to ſwear they will faithfully ſerve their King "whiles they live, and that notwithſtanding any Papall Diſ-"penſation, or whatever other proceeding to the contrary? "What ſignifies this but an expreſs renouncing all Obedience "to the Pope in theſe Points? True, ſay they, we renounce "Obedience, but not the acknowledgment of his Power: "we will adhere to the King, though the Pope ſhould depoſe "him; but will not ſay he cannot depoſe him. What "wiſe and reall difference (as to Government and the prac-"ticall part of humane life) can we imagine between theſe "two, *I'll ſwear never to obey my Commander*, and, *I'll "ſwear he has no Power to command me?*

The ſumme of the firſt part of this Diſcourſe (which is quite beſides the Queſtion) in a ſhort word is this, either deny the Pope's Authority, or obey it: ſo that if thoſe good Subjects, who are ready to ſwear they will adhere to the King, though the Pope ſhould depoſe him, will but ſay (though not ſwear) he cannot depoſe him, (which is no more then with the *French* Divines to deny the Depoſing power,) then the Gentleman and the firſt part of his Argument are ſatisfied. Now to his Queſtion that follows, (which is the ſecond, and indeed the onely pertinent part of his Argument;) "what wiſe and real difference (as to Govern-"ment and the practicall part of humane life) there is be-"tween theſe two, *I'll ſwear never to obey my Commander*, "and, *I'll ſwear he hath no Power to command me*; they will

will easily answer, that the last of these two Oaths is an assertory Oath, and swears to a disputable piece of Doctrine as to an absolute Truth, which is down-right Perjury, as hath been proved already in the 2. 3. 4. and 5. Chapters: the other (*I'll swear never to obey my Commander*, to wit, the Pope, in this particular case of Deposing the King,) being a promissory Oath, and tending wholly to practice, engages not for the absolute truth of any Doctrine, but onely for the Swearer's Allegeance and Loyalty, and therefore requires no absolute certainty to build on, but onely a safe and practically-probable Opinion, as a sufficiently-strong principle of action, such as the Authour of the Questions every-where designedly maintains the Deniall of the Pope's Deposing power to be; from whence they will lastly conclude, that there is as much difference between these two Oaths as between Perjury and Loyalty: and sure that is difference enough, even as to Government and the practical part of humane life.

In the last place comes his conjectural proof, or rather his meer affirmative presumption, That our glorious Ancestours, who refused, and suffered for refusing, the Oath of Allegeance, would certainly have changed their judgment, had they but seen, read, perused, examined, and throughly considered, all those many particulars which he dilates upon in a large flourish of words. To all which my Fifth Chapter may serve for a Reply, and a sufficient evidence, that had these worthy Predecessours of ours seen the unanimous Judgment of so many Universities, and the publick Subscriptions of so many eminent Regulars, (they are the words of the Authour of the Questions;) had they examined the sense of Antiquity towards Sovereign Princes, which acknowledge them Supreme in Temporals, and accountable to none but God; had they read the learned Treatises composed by Catholick Writers, both of our own and other Nations, where this King-dethroning Power is absolutely disavowed; had they perused the Declarations of the Kings in *France*, and Arrests of Parliaments there; had they, I say, done all this, and more then this; yet after all, they could have found the

Opinion

Opinion denying the Depoſing power to be no more then an Opinion. Neither the Judgment of the *French* Univerſities, nor the learned Treatiſes of both the *Barkleys*, father and ſon, nor *Withrington*'s Gloſs and Expoſition, together with the Apologetical anſwer, his Theological Diſputation, and whatever elſe he wrote againſt *Suarez*, *Leſſius*, *Fitzherbert* and *Skulkenius*, can prove it to be any more then an Opinion, in the opinion of the Authour and Publiſher of the Queſtions. And ſince that enough hath already been ſaid to prove, that an opinionative aſſent cannot ſafely ground a conſciencious Oath, aſſerting the truth or abjuring the falſehood of the thing that is ſworn, I ſhall now paſs to this final concluſion of my Diſcourſe, That whereas it is the voice and Law of Nature, that Protection claims Allegeance, and that perfect Subjection to Civil Powers under which we live is the ſtrict injunction no leſs then dictate of Reaſon, whereby it comes to paſs that nothing is or ought to be more inviolably dear to a loyal heart, nor more highly and juſtly valuable in it ſelf, then to be and to bear the name of a good Subject; (life and fortunes are nothing to it:) yet ſince that to take the Oath as it lies, were to over-buy that precious title, by making Perjury the price of it, and laying out our very Souls upon the purchace, whenas it is to be had at a much cheaper rate, and as with more eaſe to the Conſcience of the Subject, ſo with no leſs Security to the Prince; we muſt conclude upon the whole, that it can never be lawfull thus to rob God of the things that are God's, under pretence of rendring unto *Cæſar* the things that are *Cæſar*'s, nor to ground our Allegeance to the King upon the forfeiture of our Loyalty to the King of Kings.

See Chap. 8.

THE THIRD TREATISE AGAINST THE *OATH of ALLEGEANCE.*

Several Conſiderations propoſed for the ſatisfaction of ſuch Catholicks as deſire to be informed concerning the Oath of Allegeance, Enacted Tertio Jacobi, Capite quarto.

1. COncerning the Lawfulneſs of an Oath in general, Conſider, Firſt, that (as all do confeſſe) three Conditions are requiſite for the Lawfulneſs of an Oath, *viz. Truth*, *Juſtice*, and *Neceſſity*. So that an Oath wherein any thing whatſoever contained, though never ſo little, is either *unjuſt*, *falſe*, or *doubtfull*, or if the taking of it be not *neceſſary* and effectual to ſome good end, is unlawfull, and ought to be refuſed. Secondly, Conſider, that any Oath whatſoever, wherein any of the forementioned Conditions is wanting, is, according to the conſtant ſentiment of Divines, intrinſecally evill, and ſuch as cannot be juſtified in any caſe poſſible, though never ſo

great good be hoped for by taking it, or never ſo great evill be feared by refuſing it. Thirdly, Conſider, that whoever takes any Oath, though in it ſelf never ſo juſt, without a due previous Conſideration, ſwears raſhly, and commits a grievous Sin. To this all do agree. Whence I conclude, That to the end one may lawfully take this Oath, it is neceſſary that, after a ſerious Conſideration, he finds nothing therein *unjuſt*, nothing *falſe*, nothing *doubtfull*, and that he judges the taking thereof to be *requiſite* and effectuall for ſome good intent.

2. Concerning the Unlawfulneſs of this Oath, deduced from the Briefs of Popes iſſued forth againſt it, Conſider, Firſt, that the Unlawfulneſs of this Oath has been declared by * three ſeveral Briefs of Popes. The Firſt was iſſued forth by *Paul* the V. *September* 21. 1606. the Second by the ſame Pope *September* 21. 1607. the Third by Pope *Urban* the VIII. *May* 30. 1626. This neither Proteſtants nor Catholicks deny.

* *Vide aliud Breve* Paul. V. *ad* D. Georg. Birket 1. *Febr.* 1608. *aliud* Urban. VIII. *ad Regem Galliæ* 3. *Maii* 1626. *& aliud ejuſdem Pontif. eodem die & anno ad Epiſcop. Chalcedonenſem.*

Secondly, Conſider, that ſeveral things are contained or involved in this Oath, the deciſion whereof appertains onely to the Spirituall and Eccleſiaſticall Court; *viz.* How far the Spirituall Power extends it ſelf, What Authority *Chriſt* left to the Supreme Spirituall Paſtour as ſuch, What are the effects of an Excommunication, What Propoſitions are Hereticall: and the main debate about this Oath is, Whether it be Sinfull or not. The deciſion of all which things, (wherein conſiſts the chief difficulty of this Oath,) according to the unanimous conſent of both Catholicks and Proteſtants, belongs onely to the Eccleſiaſticall Court.

Withrington, the great Stickler for the Oath, made his † humble addreſs to the Pope concerning this matter, repreſenting unto him his Reaſons for the Lawfulneſs thereof, and earneſtly beſeeching him, that, "laying aſide the Miſin-"formation of others, he would be pleaſed to give his Judg-"ment therein according to his own knowledge. Which certainly he would never have done, had he not been perſwaded that there was ſomething contained in this Oath, the Judg-

† Supplic. to *Paul* V. p. 2. 91. *Vide etiam Supplic.* Thom. Preſtoni & Thom. Greeni *ad* Greg. XV.

Judgment whereof did appertain to the Pope and to the Eccleſiaſticall Court. Moreover, the ſame Authour, with other Catholicks who have written in defence of the Oath, do plainly profeſſe, "that, were the Unlawfulneſs thereof "declared by a General Council, they would think them-"ſelves bound to ſubmit. And yet neither in that caſe would they be bound to ſubmit, were not the Cauſe Eccleſiaſticall; for ſuch Cauſes onely appertain to Councills.

3. Conſider, Thirdly, that the Pope is Supreme Governour in all Spirituall and Eccleſiaſticall affairs: which no true Catholick can queſtion.

Fourthly, that an exteriour * Obedience at leaſt is due to the Sentence or Judgment of all Supreme Governours, in all matters appertaining unto them, and ſo far as they do appertain unto them; which all do grant who grant any Government: and conſequently, that an exteriour Obedience at leaſt is due to the Orders or Prohibition of the Pope in all Eccleſiaſticall matters. And this all muſt confeſs, who confeſs him to be Supreme Governour in ſuch matters.

Fifthly, Conſider, that it is unlawfull to deny any Obedience or Compliance that is due, as is manifeſt; and by conſequence, that it is unlawfull to deny an exteriour Obedience to the Orders or Prohibition of the Pope in all matters appertaining unto him, and no farther then they appertain unto him, or in all Spirituall and Eccleſiaſticall matters.

Sixthly, That the Popes have prohibited this Oath, by reaſon of the Clauſes it contains relating to the Eccleſiaſticall Court, and for Spirituall and Eccleſiaſticall reſpects onely: *viz.* for † containing things contrary to Faith and Salvation; or, for being noxious and ſinfull. For ſuch Motives, and no other, are expreſt in the forementioned Briefs. And conſequently, that they have prohibited this Oath upon the account of matters appertaining unto them, and no farther then they do appertain unto them. Laſtly, Conſider, that whoever takes this Oath denies an exteriour Obedience to the Pope's Prohibition contained in the Briefs. For he exteriourly

* *Sententia Papæ obligat ad non dogmatizandum contrarium.* Gerſ. Tract. de exam. doctrin. confid. 2. *Vide* Duvall. in Elencho, pag. 106.

† *Hujuſmodi Juramentum ſalvâ Fide Catholicâ & Saluteanimarum veſtrarum præſtari non poteſt; cùm multa contineat quæ Fidei & Saluti apertè adverſantur.* Paul. V. 1. Brev. Urban. VIII. vocat *Juramentum noxium & illicitum*, & addit, *authoritatem B. Petri eâ juris jurandi formulâ imminui.*

ourly takes an Oath, which the Pope in ſuch Briefs prohibits to be taken; as is evident.

4. Hence I frame this Argument, to conclude the Unlawfulneſs of the aforeſaid Oath: *Whoever takes this Oath, denies an exteriour Obedience to the Pope's Prohibition in matters appertaining unto him, and no farther then they appertain unto him. But it is unlawfull to deny an exteriour Obedience to the Pope's Prohibitions in matters appertaining unto him, and no farther then they appertain unto him. Therefore it is unlawfull to take this Oath.*

5. If it be objected, Firſt, "That the Pope's Briefs are "of no force here in *England* without the King's approbati-"on, (which theſe Briefs have not,) according to the Sta-"tutes 25. of *Edward* the Third, and 16. of *Richard* the "Second, made in Catholick times; and that it cannot be "unlawfull to deny Obedience to a Brief where it is of no "force; neither is there any reaſon why the preſent Catho-"licks of *England* ſhould not have the ſame liberty to refuſe "the Pope's Brief, not approved by the King, as the anci-"ent Catholicks had:

6. In Anſwer to this Objection, Conſider, Firſt, that what is alledged out of the forementioned Statutes, does not prove that Briefs brought into *England* without the King's licence are void and of no force; but onely that thoſe who procure them and bring them hither without the King's approbation, are liable to a *Præmunire*, and other Penalties: which is very different. For though it be puniſhable to doe a thing, yet the thing once done may be valid. Thoſe who contract a clandeſtine Marriage here in *England* are liable to the Penalties enacted by the Canons in ſuch caſes: yet the Marriage ſo contracted is valid and obligatory.

7. Conſider, Secondly, that ſhould we grant (as we do not) that ſuch Statutes render the Briefs they ſpeak of void and of no force; they are to be underſtood either of Briefs which import an abſolute Power in the Pope *to defeat and avoid at his Will the Laws and Statutes of this Realm*, and conſequently *touch the King's Regalities*, as the Statute expreſſes

preſſes it, and deſtroy His Sovereignty in Temporals; which the Briefs we produce do not; for they onely enjoyn a meer forbearance of this Oath, which certainly does not dethrone His Majeſty of his Sovereignty in Temporalls; as will appear by what hereafter ſhall be added: or elſe of Briefs *Enactive*, (as in other Kingdoms the like Statutes are underſtood,) whereby ſome new Law is enacted, or ſome new thing ordained, relating to the External Government of the Church; as the *Preſentments to Churches* or *Benefices*, or the *Tranſlation of Biſhops* or *Biſhopricks*, and ſuch like things which are mentioned in the Statutes: but not of Briefs *Declarative*, whereby ſuch a Doctrine is declared Erroneous or Hereticall, ſuch an Action Sinfull and deſtructive to Salvation. As, for inſtance, the *Declarative* part of the Councill of *Trent*, though never admitted in *England* by publick Authority, does oblige all *Engliſh* Catholicks; but not the *Enactive* part thereof. Now the Briefs we ſpeak of are not *Enactive*, as is manifeſt, but *Declarative*: For they do not make this Oath unlawfull, but onely declare it to be ſo.

8. Conſider, Thirdly, whether, ſhould it be admitted, that theſe Statutes in their primary inſtitution did extend to all Briefs whatſoever, it can prudently be thought, that they were ever intended by the Catholicks that made them for the condition wherein we now are in *England*; *viz.* of an open Rebellion againſt the Pope and the Church of *Rome*; when no Brief, though never ſo juſt, nor nothing elſe that comes from *Rome* in order to our Spirituall direction, is admitted by publick Authority.

Suppoſe that before the late Civil Wars it had been enacted by the King and Parliament, (perhaps there is ſome ſuch Act,) that no Commiſſion ſent by His Majeſty to any particular perſon ſhould be of force, unleſs it were delivered unto him by the Lieutenant of the County where he reſided: could we prudently think, that ſuch an Act was ever intended by loyal Subjects, that voted it, for the caſe of a publick Rebellion, when all the Lieutenants were manifeſt Rebells againſt the King, and reſolved to paſs nothing in His favour,

favour, and, consequently, to deprive thereby His Majesty of all Power to send Orders to His loyall Subjects remaining in *England*, in a time when He had most need of their Assistence; or that whoever should refuse to obey His Majestie's expresse Commands, under such a pretence, could be esteemed a faithfull Subject?

9. Consider, Fourthly, whether, should these Statutes be taken in the latitude the Opponent pretends, all intercourse between the Pope and the *English* Catholicks, and all direction from him in order to their Spiritual conduct, would not be quite cut off in a time when they had greatest need thereof, (such is the time of Persecution;) and all Dispensations, Indulgences and Faculties, and all Powers or Prohibitions whatsoever, that come from *Rome*, (for they all come in Bulls, Briefs, and such like Instruments,) would not be rendered void and of no force.

10. Consider, Fifthly, whether this be not against the common perswasion and practice of the *English* Catholicks, not excepting even those who defend the Lawfulness of this Oath; who, without any scruple, use their Faculties sent to them from *Rome*; who procure thence, as occasion requires, Dispensations, Indulgences, and other Powers; who make their application to *Rome* in severall Emergencies, ready to submit to the Pope's Judgment: and whether it would not be very ridiculous, both for them to procure such things, and for the Pope to grant them, were it true what this Objection pretends, *viz.* That no Brief or Grant brought from *Rome* without the King's approbation (which in this conjuncture of affairs cannot be hoped for) is here of any force.

11. Consider, Sixthly, whether it be reasonable that there should be the same liberty to treat with, (as the Opponent pretends) or the same obligation to depend of Princes who are out of the Church, as of those who are in the Church, in order to Ecclesiasticall affairs: such is the admission or refusall of the Pope's Bulls or Briefs: and consequently, whether the present Catholicks of *England* ought to have the same depen-

dependence of their Prince (who is no Catholick) in order to Eccleſiaſtical matters, as the ancient *Engliſh* Catholicks had of their Princes, who were Catholicks. Certainly no body will ſay, that we have the ſame obligation to depend of Governours who are Rebells in order to Civill concerns, as of thoſe that are faithfull; or that there ought to be the ſame liberty to treat with perſons infected, as with perſons who are not infected. It was no abſurdity for the ancient Catholicks of *England*, to make their Application to their Catholick Princes, for leave to get ſuch a Grant from the Pope; whereas now it would ſeem very abſurd, ſhould they make any ſuch Application to His Majeſty. For though we do acknowledge our ſelves to be as much bound to obey His Majeſty in all Civill and Temporall concerns as the ancient Catholicks were bound to obey their reſpective Catholick Princes; yet hence it does not follow, that we are ſo much bound to depend of His Majeſty that now is (ſo long as he is of a different Religion from us) in order to Eccleſiaſticall Diſcipline, as the ancient *Engliſh* Catholicks did depend of their Princes.

12. Conſider, Laſtly, that in the above-mentioned Statute of *Richard* the Second expreſs mention is made of the *Sentence of Excommunication*; yet all Catholicks, even thoſe who deny the Pope to have any Power to Depoſe Kings, do unanimouſly grant him a Power to Excommunicate Kings, if they become Hereticks, and remain obſtinate: nay, King *James* refuſed to oblige His Catholick Subjects to renounce ſuch a Power in the Pope. Now, according to this Objection, no Sentence of Excommunication fulminated againſt any *Engliſh* King (the ſame is of any of his Subjects) is of any force here, unleſs approved and ſubmitted unto by himſelf: and if he ſubmits unto it, he is not obſtinate, and by conſequence does not deſerve to be Excommunicated. So that if what this Objection pretends be true, the Pope has no power to Excommunicate any Heretical King of *England*, unleſs in a caſe wherein he deſerves it not: which is, to have no power at all to Excommunicate him.

13. If it be objected, Secondly, "That the Pope with a Generall Councill is above the Pope without it; that with it he is Infallible, without it Fallible; and that therefore we are not bound, with our own prejudice, to stand to his Decrees which are issued out without a Generall Councill, as these Briefs are, nor to forbear taking this Oath, till the Unlawfulness thereof be declared by a Generall Councill, the Supreme Judge of Controversies, which hitherto has not been done: That the Pope may be, and was mistaken and misinformed concerning this Oath, thinking that therein are contained severall things repugnant to Faith and Salvation, though he specifies none of them; and that thereby is abjur'd implicitly a Power in the Pope to Excommunicate Princes, and his Supremacy in Spiritualls; all which is false; and we are not bound to submit to Briefs grounded upon mistakes and misinformations: That the Pope is a Party in this Debate, and by consequence ought not to be Judge in his own Cause: That he must give Sentence according to the Canons or Rules prescribed him by the Church; which he does not observe in the Prohibition of this Oath: Finally, That we ought not to take notice of the Prohibitions or Commands of the Pope, when the Compliance with them may be a cause of great Disturbance in the Church, or is prejudiciall to the Right of others, especially of Sovereign Princes, and to the Duty due unto them, to which God and the Law of Nations obliges us; all which Inconveniences intervene in the Prohibition of this Oath.

Excommunicantur in Bulla Cœnæ qui subterfugiunt judicium Papæ, appellando ad Concilium Generale.

14. Concerning *the Superiority of a Generall Councill over the Pope*, contained in the Objection; Consider, First, that though the King and Parliament be above the King out of Parliament; yet we are bound to submit, even against our own Interest, to the Orders of the King and His Councill in Civill matters, till the contrary be decreed by Parliament; which at least is enjoyned us by such Parliaments as command us to bear due Allegeance to His Majesty as our Sovereign in all Civill matters: and that, in like manner, we are bound to

submit

ſubmit to the Pope's Ordinances in Eccleſiaſticall matters, even againſt our Intereſts, notwithſtanding the Superiority of a General Councill over the Pope, till the contrary be defined by ſuch a Councill; which at leaſt is aſſerted in ſuch Councills, and by ſuch Fathers, as recommend unto us due Obedience to the Pope, as our Supreme Paſtour in Spiritualls. For the Pope is as Supreme in Spiritualls out of a Councill, as the King is in Temporalls out of a Parliament; and conſequently requires the like ſubmiſſion to his Ordinances.

15. Conſider, Secondly, that the Reaſons one may ſeem to have either againſt the Pope's Decrees out of a Councill, or the King's Ordinances out of a Parliament, cannot juſtify the refuſing an exteriour Compliance with them; but onely may give one ground to make his Addreſſes to the Councill or Parliament when aſſembled, to have ſuch Decrees or Ordinances repealed: and that what we require in our preſent caſe, is onely, that we ſhould forbear the taking this Oath till the Lawfulneſs thereof be declared by a General Council, to which we may apply our ſelves, when convened, to have this matter declared.

16. Concerning *the Fallibility of the Pope, and the Infallibility of a General Council*; Conſider, Firſt, that if it be warrantable to refuſe an exteriour Obedience to the Pope's Decrees in Eccleſiaſtical matters, becauſe Fallible; upon the ſame account it will be lawfull to refuſe an exteriour Obedience to the Orders of Kings and Princes in Civill affairs; for doubtleſs they are all Fallible, and may be miſtaken and miſinformed: and ſo farewell all Government. Secondly, Conſider, that even thoſe Catholicks who affirm the Pope to be Fallible out of a General Council, do notwithſtanding confeſs that an exteriour Obedience is due to his Commands in Eccleſiaſtical matters: as the like Obedience is due to the Ordinances of Sovereign Princes in Civil affairs, though Fallible. And in this preſent Caſe no more is required, then a meer exteriour Compliance with the Pope's Prohibition. Thirdly, Conſider, that even Proteſtants alſo, who confeſſe their whole Church, and not onely the particular Paſtours

thereof ſeparately, to be Fallible, do yet affirm, that an exteriour Obedience is due to their Ordinances. And it ſeems ſomewhat odde, that Catholicks ſhould deny the Pope that Obedience under pretence of Fallibility, which Proteſtants aſſert to be due to the Paſtours of their Church though Fallible.

17. Laſtly, Conſider, that the difference between a General Council and the Pope, ſuppoſing the Infallibility of the one, and the Fallibility of the other, is, that the Decrees and Declarations of the Pope do oblige onely to an Exteriour Obedience, but thoſe of a General Council to an Interiour Aſſent alſo.

18. Concerning *the capacity of the Pope of being miſinformed, and the pretended Miſtakes* in this preſent matter; Conſider, Firſt, that between the publiſhing of the firſt and the laſt Brief againſt the Oath, there paſt Twenty years: That in this time the preſent Queſtion concerning the Lawfulneſs thereof was canvaſed on both ſides by Learned men, both *Engliſh* and Forreiners: That *Withrington*, the chief Defender of the Oath, and who brings all that is material for it, repreſented in this *interim* to *Paul* the Fifth his Reaſons for the Lawfulneſs of it, and his Anſwers to what had been objected againſt him: That the Popes, in the forementioned Briefs, uſe as ſignificant terms to remove all juſt ſuſpicion of Miſinformation, Miſtakes and Inconſiderateneſs, [as, *Motu proprio, Ex certa noſtra ſcientia,—Poſt longam gravémque deliberationem de omnibus quæ in illis continentur adhibitam——Hoc mera, pura, integrâque voluntas noſtra eſt, &c.*] as are uſed in any Briefs or Inſtruments whatſoever, in order to that intent. And if this be ſo, as certainly it is, then Conſider, Secondly, that if all theſe diligences and preventions be not thought ſufficient to remove all juſt ſuſpicion of Miſinformation, Miſtakes, and Inconſiderateneſs, what Brief, or what Decree, Eccleſiaſtical or Civil, is there that the party therein condemned may not (under pretence of the like Flaws) reject and diſobey? Such liberty as this, to reject the Ordinances of our Sovereigns, both Spirituall and Temporall, muſt needs induce a perfect Anarchy.

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19. Consider, Thirdly, that it belongs to the Pope to determine, whether this Oath does contain any thing contrary to Faith and Salvation, or destructive to his Sovereignty in Spiritualls, or no. For the determination of such Questions belongs to the Spiritual Court, as has been above insinuated; as it belongs to the King, and the Civil Court, to determine whether such a thing be contrary to the Civil Laws, and publick welfare of the Kingdome, or destructive to His Sovereignty in Temporalls, or not. And since the Popes, after so much diligence used to be informed of the Truth, have severall times declared, that this Oath contains many things destructive to Faith and Salvation, and upon that account have prohibited the taking thereof; we are bound to afford at least an exteriour Compliance to this Prohibition.

20. Consider, Fourthly, that as to prohibit a Book, 'tis not necessary to point out the particular Propositions for which it is prohibited, as appears by several publick Prohibitions of Books and Pamphlets, issued forth either by Civil or Ecclesiastical Authority; neither would it be prudence, to design alwaies the particular Propositions for which a Pamphlet is prohibited, when they are scandalous and offensive: so neither was it necessary, for the Prohibition of this Oath, that the Pope should assign the particular Propositions which he looked upon as repugnant to Faith and Salvation.

Vide Synod. General. 5. Can. 5. *ubi damnat Origenem aliosque, cum suis scriptis, nullâ particulari errore nominato.*

The Prohibition of *Suarez* his Book, made by the Parliament of *Paris*, as containing things destructive to the Honour due to the Kings, does not express, at least as it is related by *Withrington*, what those particular Things or Propositions are, contained in that Book, which are destructive to the Veneration due to Kings: and yet no body upon that account does quibble at such a Prohibition. Why therefore might not the Pope prohibit this Oath, as containing things destructive to Faith and Salvation, without setting down in particular which those Things are?

Append. ad prop. Theolog. de Juramento fidelitatis, initio.

21. Consider, Lastly, whether, whoever takes this Oath, does not implicitly deny, either that the Pope has any Power to Excommunicate an Heretical King, which Power is inherent

rent in the Pope as Supreme Head of the Church; or at leaſt, that though he ſhould Excommunicate ſuch a King, the Excommunication would have in the perſon Excommunicated theſe Effects, *viz.* to deprive him of all civill Communication with others, *&c.* which are aſſigned in Scripture, in thoſe places whence the Power in the Pope to Excommunicate is deduced. 2. Joan. 1. *Neque Ave ei dixeritis.* 1 Cor. 5. *cum hujuſmodi nec cibum ſumere.* For ſure a King who is deprived of all Civill Communication with others, is deprived of all Civill Government, in order to the exerciſe thereof; which is a certain kind of Depoſing. And if ſome perſons, though Excommunicated, are excepted from theſe effects, either by the Indulgency of the Pope, or otherwiſe, whether it does not belong to the Pope to determine which thoſe perſons are; and whether he has excepted Princes.

Vide Gloſſ. cap. *Cum veniſſent. De judiciis.*

22. Concerning *the Pope being a Party in this debate, and not proceeding according to the Canons*; Conſider, Firſt, that Supreme Governours, whether Spirituall or Temporall, in Debates wherein their Prerogatives are concerned, either are not ſtyled properly *Parties*; or if they be *Parties*, they are alſo *Judges*. Otherwiſe we ſhould not be bound to ſtand to the Deciſion of a Generall Councill, in matters relating to the Authority of the Church or Generall Councills; nor to the Determination of the King and Parliament, in matters relating to the Authority and Prerogatives of His Majeſty or His Parliament. Conſider, Secondly, that if the Pope is not to be hearkened unto, when he prohibits the taking of this Oath, becauſe he is the Party concerned in the not taking thereof; neither the King, upon the ſame account, is to be hearkened unto, when He commands us to take the Oath, becauſe He is the Party concerned in the taking thereof.

* Suar. 1. 3. lib. De leg. c. 4. n. 2. *Nulla eſt data determinata forma verborum in legibus Canonicis ferendis, vel jure Divino vel Eccleſiaſtico.*

23. Conſider, Thirdly, that as * there are Canons and Rules proſcribed for the proceedings of Popes; ſo there are, in the like manner, Rules preſcribed for the proceedings of Kings, of Councills, and of Parliaments. But as the King, or Councill, or Parliament, muſt be their own Judges, whether they have proceeded, in ſuch a Deciſion or Determinati-

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on, according to the reſpective Rules preſcribed unto them, and not any particular perſon or Subject: ſo muſt the Pope be his own Judge, and not any particular Doctour, whether he hath obſerved, in the Prohibition of this Oath, the Rules and Canons preſcribed unto him in ſuch caſes. And ſince the Popes have ſufficiently declared, that in the Prohibition of this Oath they have proceeded according to the Canons for ſuch caſes, it is not reaſonable, that under pretence that they have not obſerved ſuch Canons, we ſhould deny an exteriour Obedience to their Prohibitions.

24. Concerning *the Diſturbance of the Church*, which the Opponent pretends may follow from the ſubmiſſion to the Briefs, and *the prejudice created thence*, or pretended to be created, *to the Duty and Loyalty due to Sovereign Princes*; Conſider, Firſt, that if the Defenders of the Oath would be quiet, we might enjoy the ſame peace and tranquillity, in relation to this point, which we have enjoyed for many years. For the Oppugners of the Oath have not printed any thing for a long time, contenting themſelves with the Sentences which the above-mentioned Popes have been pleaſed to iſſue forth in their favour: And conſequently, the Diſturbance, if any follow, is rather to be attributed to the Defenders of the Oath, then to the Oppugners.

25. Conſider, Secondly, that if the Pope (whoſe Office it is to declare the Lawfulneſs or Unlawfulneſs of an Action, eſpecially if he be required thereunto, and the inconſiſtency thereof with Faith and Salvation) ſhould forbear to declare ſuch an Action unlawfull, for fear of ſome Diſturbance, or Perſecution, by the contrivance of ſome obſtinate and diſcontented perſons: upon the ſame account the Council of *Nice* ſhould have forborn to have declared againſt the *Arrians*, the Conſubſtantiality of the Son with his Father; and other Generall Councills, in the like manner, ſhould have waved the Definitions of ſeverall other Doctrines, becauſe ſome malicious men, taking occaſion thence, have raiſed ſeverall Diſturbances and Perſecutions. Nay, our Saviour, and the Apoſtles, ſhould, upon the ſame ſcore, have forborn

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the preaching Chriſtian Religion, ſince they foreſaw, that many Calamities, Diſturbances and Perſecutions would ariſe, by the malice and obſtinacy of men, upon the account of Chriſtian Religion. And therefore *Simeon* foretold, that the coming of *Chriſt* would be the occaſion of the ruine of many. *Ecce hic poſitus eſt in ruinam, & reſurrectionem multorum in Iſrael, & in ſignum cui contradicetur.* Luc. 2. 34.

26. Conſider, Thirdly, that though it be not the intention, neither of Popes, nor of Generall Councills, that their *Enactive* Decrees, in ſome extraordinary and extravagant caſes, ſhould oblige, when the compliance with them is very prejudiciall; or at leaſt they are ſuppoſed to have diſpenſed for ſuch caſes, as appears in the precept of Faſting, or ſuch like: yet this cannot reach to their *Declarative* Decrees, ſuch as the preſent Decree againſt the Oath is. For it cannot be their intention, neither can they diſpenſe in any caſe whatſoever, that we may lawfully doe what they have declared, and do declare, to be of it ſelf unlawfull.

27. Conſider, Fourthly, whether what the Popes enjoyn in the above-mentioned Briefs, can be prejudiciall to the Duty and Loyalty due to Sovereign Princes. For though Popes be as jealous of their Prerogatives, as Kings are of theirs; yet they do not enjoyn us in theſe Briefs to ſwear, that the Pope has any Power or Authority to Depoſe Kings, or to ſwear any thing elſe contrary to any Clauſe contained in this Oath: but onely not to take the Oath, or not to ſwear poſitively, that the Pope has no ſuch Power; leaving things in the ſame condition wherein they were (in order to any ſuch Obligation) before this Oath was framed. For although as long as there is a debate whether ſuch a thing belongs to me, or another, I cannot lawfully take the poſſeſſion of it; yet I may lawfully hinder my Adverſary from taking it. Neither do they prohibit us to take other Oaths of Allegeance, wherein all Civill Allegeance is contained in as, or more expreſſive terms, then in the preſent Oath; as ſhall be made appear hereafter: nay, nor to take thoſe Clauſes of the Oath, which do manifeſtly contain no more then meer Civill Allegeance.

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ther do they in rigour oblige us to give an interiour aſſent to the Reaſons why they prohibit this Oath. For even the Decrees of Generall Councills, according to the common ſentiment of Divines, do not oblige us always to believe the Reaſons for the framing ſuch Decrees, inſerted in them, to be good and ſolid. As in the Second Councill of *Nice* it was declared, That Angels may be painted, becauſe they have Bodies. The Declaration is good, but the Reaſon is falſe. So that though one refuſes the Oath in compliance to the Pope's commands, it does not follow, that he does not think the Oath in it ſelf, and ſpeculatively ſpeaking, to be lawfull: and conſequently, if he thinks that the Acts therein contained do concern meer Civill Allegeance, he is bound, as long as he remains in ſuch a perſuaſion, to comply with thoſe Acts, whether he has taken this Oath or not. For a Subject is bound to Civill Allegeance by the Law of God and Nature, antecedently to all Oaths. Finally, the Popes do not forbid us in theſe Briefs an Act of Loyalty, or Civill Allegeance: For the taking of this Oath, which is onely forbidden us in theſe Briefs, is not (properly ſpeaking) any Act of Civil Allegeance, but onely a Security thereof, (and how little truſt is to be put in ſuch a Security, does appear by the ſad experience of the late Wars;) as a Bond for the payment of ſuch a ſum of money is no part of the payment, but onely a Security for it, if the Debtor denies it. Nay, a Subject may be obliged to his Civill Allegeance, and equally puniſhed for his not-complying therewith, or for being a Traitour, whether he has taken the Oath or not. Whence I conclude, that, ſince the Briefs do not forbid us any Act of Civill Allegeance, it is manifeſt, that the Compliance with ſuch Briefs cannot be inconſiſtent with the Duty and Loyalty due to Sovereign Princes; which reaches no farther then to all Acts of Civill Allegeance.

28. Conſider, Laſtly, whether thoſe who reject the forementioned Briefs of the Popes, publiſhed after ſo long and ſo ſerious deliberation, under ſuch frivolous pretences as we have already ſeen, and ſhall ſee hereafter, do not open a way

Malos judices ſe eſſe perpeſſos, vox eſt omnium malorum litigatorum, etiam cùm manifeſtiſſimâ fuerint veritate convicti. Aug. Epiſt. 162.

for Subjects to reſiſt, and diſobey the expreſs Commands or Prohibitions (if they be condemned therein) of their reſpective Sovereigns, though iſſued forth after never ſo ſerious a debate, pretending that they were grounded upon Inconſiderateneſs, Miſinformation, and Miſtakes, in thinking, that ſuch a thing was contrary to the Laws of the Realm, and the Prerogatives of His Majeſty; or that the King did not proceed therein according to the Rules preſcribed in ſuch caſes; or that His Majeſty was a Party in the debate, and that conſequently He ought not to be Judge; or, finally, that ſuch Prohibitions and Commands are prejudiciall to the Liberty of the people and common Welfare of the Nation, and that they may be occaſion of great Diſturbances in the Kingdome. And whether, if ſuch Exceptions as theſe be warrantable, and not to be decided by the Sovereigns themſelves, they do not render the Authority of Kings (though our Adverſaries, who make uſe of them, will needs ſeem to be ſtout Champions for Regall Power) very weak and inſignificant, as in effect they do render the Authority of the Pope.

29. If it be objected, Thirdly, "That to refuſe this Oath, "when we are required to take it by the King, is ſinfull, in-"ductive to Schiſm, and ſcandalous to our Religion, as if "the Principles thereof were inconſiſtent with Civill Allege-"ance due to Princes; and in ſuch matters no man is bound to "obey the Pope's Decrees, but rather to the contrary: That "ſhould the Pope declare it Sinfull to bear His Majeſty Civill "Allegeance, (which is due unto him by the Law of God "and Nature,) certainly we ſhould not think our ſelves bound "to ſubmit to ſuch a Declaration: That this Oath contains "onely a meer Civill Allegeance, as our Kings have declared, "and to them it belongs to declare what is meer Civill Al-"legeance, and not to the Pope, whoſe Juriſdiction extends "onely to Spiritualls: That we are bound to obey our So-"vereign's Commands in all probable matters, and which "are not manifeſtly ſinfull, as the taking of this Oath is not: "That ſince it is doubtfull at leaſt whether the Things con-

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"tained in this Oath (wherein the difficulty thereof consists) "appertain to the Spirituall or Civill Court, why should "the Pope decide it rather then the King? And since the "King commands us to take the Oath, and the Pope pro- "hibits us to take it, the thing being of it self doubtfull, "and not manifestly sinfull on either side, why should we "submit rather to the Pope's Ordinance then to the King's? "That the King may confine the Pope's Power, and declare, "that he has not a direct and absolute Power over this King- "dome in Temporalls, or to vacate the Civill Laws thereof "at his pleasure; and consequently, that it is not proper for "the Pope to declare how far his Spirituall Authority does "extend it self in all Causes: Finally, that the like Argu- "ment may be made to shew the Refusall of this Oath to be "unlawfull, as we made above to prove unlawfull the Taking "thereof, in this manner; Whoever of His Majestie's Subjects "refuses this Oath, being required thereunto, denies an ex- "teriour Obedience to the King's Ordinance in matters ap- "pertaining unto him, and no farther then they appertain un- "to him: But it is unlawfull to deny such an Obedience to "the King's Ordinance, and in such matters: Therefore it "is unlawfull for any of His Majestie's Subjects, when requi- "red thereunto, to refuse this Oath:

30. Concerning *the Sinfulness of the Refusall of this Oath*, objected against us; Consider, First, whether this Objection be not against all or most of those Catholicks who defend the Lawfulness of this Oath; whose aim onely is, to shew, not that it is a Sin to refuse this Oath, but that it is no Sin to take it. Secondly, Consider, whether the refusall of this Oath can be sinfull, unless the taking thereof be absolutely obligatory: and if not, then consider, whether there be any absolute obligation to take this Oath, since the taking there- of is no part of Civill Allegeance, as has been already shewn. Neither does His Majesty absolutely require of us the taking of this Oath, but onely conditionally, if we will enjoy such and such Employments or Priviledges; which we are not bound to accept of. And though those who refuse the Oath

in many circumſtances are liable to ſome Penalties enacted againſt *Roman* Catholicks; yet they are puniſhed even in that caſe, not ſo much for refuſing the Oath, but becauſe, by refuſing it, they are ſuſpected to be Popiſhly inclined. Whence therefore can there be proved any abſolute obligation to take this Oath, eſpecially ſince the Pope hath expreſly prohibited the taking thereof?

31. Conſider, Thirdly, whether, according to the common perſuaſion of Divines, we are not bound to obey the Commands of our lawfull Superiour in probable matters appertaining unto him, and which are not manifeſtly Sinfull: And whether it can prudently be preſumed, that the meer forbearance of this Oath, (the thing that is onely required of us,) which has been enjoyned three ſeverall times, in terms ſo ſignificant, by Two different Popes, who are the onely competent Judges of what is Sinfull, and what not; which has been, and is ſtill maintained by ſo many grave, learned and conſciencious men, againſt their own Intereſt; which hath been authorized with the Impriſonment, or Death, of ſeveral perſons, [Fifty eight were put in Priſon at *York*, in the time of Arch-biſhop *Matthews*, for refuſing this Oath, and Forty of them died in Priſon,] who rather choſe to undergoe thoſe Puniſhments then take this Oath; is notwithſtanding manifeſtly Sinfull.

32. Concerning the *Schiſm* objected againſt us; Conſider, Firſt, that it is impoſſible, that thoſe who refuſe the Oath ſhould upon that account, and for complying therein with the Ordinances of the Supreme Head in Eccleſiaſticall matters, become Schiſmaticks; as it is impoſſible that a Subject, for complying with the Commands of his King, ſhould become a Traitour or Rebell. For as Rebellion implies a Diſobedience to our Sovereign in Temporall affairs; ſo Schiſm neceſſarily imports a Separation from or a Diſobedience to the Pope, Supreme Head in Eccleſiaſticall matters. Hence it follows, that ſhould all the *Engliſh* Catholicks joyn in taking the Oath, they would not therefore be leſs Schiſmaticks, but rather more in number; as the more the

the Rebells are, they are not therefore leſs Rebells.

33. Conſider, Secondly, that ſince Union amongſt Catholicks here in *England*, in order to this Point, may be obtained in either of Two manners, *viz.* if All take the Oath, or if All refuſe it; it is far more eaſy to obtain it, and far more warrantable to procure it, the latter way, then the former: Becauſe thoſe who refuſe it are far more numerous then thoſe who take it; and it is far more eaſie, and more warrantable, that the minor part ſhould conform to the major, then on the contrary; eſpecially whenas by refuſing it we unite with our Head, and Supreme Paſtour, and by taking it we ſeparate from him. And there can be no true Eccleſiaſticall Union, without a Conjunction with the Eccleſiaſticall Head. And ſure it is more rationall, that the Members ſhould ſubmit to the Head, then the Head to the Members.

34. Conſider, Thirdly, that hitherto the far greater part of *Engliſh* Catholicks have thought it better to conſerve an Union among themſelves, in relation to this Point, by refuſing the Oath, then by taking it. And certainly, if ever there was any reaſon for Catholicks to take this Oath, there was more reaſon for it heretofore, when it was firſt enacted, then now. For a little before had been contrived that horrible Plot of Gunpowder-Treaſon, whereunto concurred ſome Catholicks; but it was fathered, though unjuſtly, upon the whole Body of Catholicks then living. But now there is no Catholick alive that could be Actour or Contriver in that Plot, or that is ſuſpected to have contrived any Plot whatſoever againſt His Majeſty, much leſs ſuch a deteſtable Plot as that was: and conſequently, the preſent Catholicks of *England* have far leſs obligation (or rather no obligation at all) to wipe off any ſuſpicion of Diſloyalty by taking the Oath, then the ancient Catholicks had. Thoſe Catholicks who then lived, had not given ſo univerſall and ſo ſignall proofs of their Loyalty to the then preſent King, as Catholicks now alive have done to His Majeſty and His Royall Father: and by conſequence, there is leſs reaſon why they ſhould be forced to give in Security, or teſtimony of their

Loyalty by Oath. Then there had not been iſſued forth ſo many ſeveral Briefs, and after ſo long a deliberation, condemning this Oath, as ſince have been publiſhed, nor the Queſtion ſo much diſcuſſed (the major part ſticking alwaies to the Negative) as ſince it has been: which had thoſe Catholicks ſeen who firſt took the Oath, very probably ſpeaking, many of them would have refuſed it. Some of thoſe Thirteen Prieſts who in the time of Q. *Elizabeth* ſubſcribed an Oath of the like tenour, having ſeen afterwards the Pope's Briefs, refuſed this Oath; and two of them, *viz. Robert Drury* and *Roger Cadwallader*, were put to death upon that account.

35. Neither are there now greater Advantages for Catholicks who take the Oath then there were in thoſe times; nay, the conveniency now in taking it is ſo inconſiderable, that no Catholick is thereby alone rendered capable ſo much as to enter into *White-Hall* or *St. James's Park*. And though the Catholick Lords, who take the Oath, may ſit in the Houſe, and thoſe who refuſe it may not: yet how long will this (beſides that it comprehended alſo thoſe ancient Catholick Lords,) probably laſt; ſeeing that ſcarce had ſome Catholick Lords, upon that account, taken the Oath, when it begun to be agitated in the Parliament, how another Teſt might be framed to exclude all Catholicks? And the Sitting of the Catholick Lords in the Houſe, as things now ſtand, is ineffectual to carry any thing in favour of Catholicks; the far major part being againſt them, nay and againſt their Sitting too in the Houſe. For had the major part effectually deſired the concurrence of the Catholick Lords, it would never have been carried, that all the Lords ſhould be put to the Oath, if they intended to ſit in the Houſe. For ſuch a Vote would in all probability force all the Catholick Lords (or at leaſt ſome of them) to forbear coming to the Houſe. So that, were not the Houſe againſt the Sitting of the Catholick Lords, they would never have Voted, that all thoſe who would ſit ſhould take the Oath. And if they be againſt their Sitting, though all the Catholick Lords ſhould take it, they

they will find out ſome other way to exclude them. Moreover, if things be well ſifted, perhaps many will find no little conveniency in having ſo handſome an occaſion as this is for any Catholick for not coming to the Houſe, eſpecially ſince they are not therefore debarred from Voting by their Proxies. Wherefore if, notwithſtanding the Reaſons above alledged, the ancient Catholicks of *England*, or at leaſt the far greater part of them, as even our Adverſaries confeſs, preferred to conſerve union amongſt themſelves by refuſing the Oath; why ſhould not the preſent *Engliſh* Catholicks follow, in this point, their Anceſtors, and take the ſame way of conſerving union?

36. Concerning the *Scandal* objected; Conſider, Firſt, whether the Scandal (if any lies upon Catholicks or their Religion in order to Civil Allegeance, after ſo many ſignall proofs given of their Loyalty in the late Civil Wars, (and, ſure, works are better proofs of Loyalty then words,) after ſo many publick Declarations thereof made by His Majeſty in His gracious Speeches, and by many other Proteſtants in their publick Votes in Parliament, whether, I ſay, this Scandal, if any remains,) be not rather *acceptum*, then *datum*, like to that which Chriſtian Religion lay under among the *Jews* for tranſgreſſing their Ceremonies, and conſequently not to be taken notice of.

37. Conſider, Secondly, whether ſhould all Catholicks concurre to take the Oath, Proteſtants would not, in all probability, attribute this their concurrence rather to a deſire of their ſafety, or of ſome particular Intereſt, then to the Principles of their Religion; as they have, and do yet, attribute the conſtant and general Loyalty of the Catholicks in the late Wars, not to the Tenets of their Religion, but to the Generoſity of their minds, or deſire of their Security, as they have publiſhed in their Books and Sermons. Nay, ſome (as I hear) have ſaid the ſame already of Catholicks that have taken the Oath. So that the taking of the Oath is ineffectual for the End pretended; ſince Proteſtants would not therefore have a better opinion of our Religion, but worſe opinion of Catho-

Catholicks who take the Oath, as professing a Religion to whose Principles, as by Protestants understood, they are ashamed to conform. And if so, then consider, whether (probably speaking) Protestants are not more scandalized at Catholicks who take the Oath, as not standing (in their opinion) to the Maximes of the Religion they profess, and as denying an exteriour Compliance with the express Commands of him whom they acknowledge to be their Supreme Pastour; (which Compliance even Protestants grant to be due to the Pastours of the Church;) then at Catholicks who refuse it: which Refusal Protestants ascribe not to any want of Loyalty in them, (whereof they have sufficient proofs already,) but to some scruple of Conscience, or to the Submission they think themselves obliged to pay to the Ordinances of the Pope. And one may easily gather, by what is set down in a Letter to a Parliament-man, lately printed, concerning *Peter Walsh*, (who, amongst those who profess themselves to be Catholicks, seems now to be the onely man, who openly and in print vindicates the taking this Oath: one may gather, I say, by what is couched in that Letter,) what opinion Protestants have of such Catholicks; who, though they acknowledge the Pope to be their Supreme Pastour, yet justify the taking this Oath, against several express Prohibitions of the Pope. So that, by taking the Oath, the Scandal, if any, is not removed from our Religion, but rather a new Scandal is fastened upon Catholicks that take it.

38. Consider, Thirdly, whether Protestants are not of opinion, that the Supremacy in Spiritualls is inherent and annexed to the Crown, as has been declared in Parliament; and consequently, that as long as Catholicks refuse the Oath of Supremacy, (which they must doe as long as they will be Catholicks,) they refuse to acknowledge the Supremacy of His Majesty in Temporalls, and His Crown. For whosoever refuses to acknowledge any thing inherent and annexed to the Crown, refuses, at least implicitly, to acknowledge the Crown, and his Loyalty thereunto. So that, as long as we remain Catholicks, we shall be accounted by Protestants not

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loyal Subjects in our Tenets, whatſoever we be in our Practices.

39. Conſider, Fourthly, whether ſuch Catholicks as take the Oath, whilſt ineffectually they pretend to remove the Scandal Proteſtants have ſo unjuſtly conceived of our Religion, by taking the Oath, do not create a juſt Scandal in other Catholicks who refuſe it, ſeeing how they ſlight the expreſſe Order of their Supreme Head in Eccleſiaſtical matters.

40. Concerning the Caſe contained in the Objection, wherein the Opponent ſuppoſes that *the Pope ſhould forbid us to bear Civil Allegeance to His Majeſty, due unto Him by the Law of God and of Nature*, or *ſhould declare ſuch an Allegeance to be Sinfull*; Conſider, Firſt, that ſuppoſing (as we do ſuppoſe) that His Majeſty is our Sovereign in all Civil and Temporal Concerns, and that not onely in order to the Civil Power, but alſo to the exerciſe thereof; to deny unto Him Civil Allegeance, due unto Him by the Law of God and Nature, is manifeſtly Sinfull: and in matters manifeſtly Sinfull we are not bound to obey the Ordinances of our Superiours, whether Spiritual or Temporal. Nay, it would be Heretical to prohibit a meer Civil Allegeance, in that ſuppoſition, or declare it unlawfull: and a Pope that ſhould teach an Hereſy, or become an Heretick, would, according to the common conſent of Divines, ceaſe to be Pope; and conſequently, his Orders in that caſe were not to be obeyed.

41. Conſider, Secondly, whether it be reaſonable, that, becauſe there may be feigned a caſe or caſes wherein the Pope, or any other Superiour, Eccleſiaſtical or Civil, might command a thing manifeſtly Sinfull, and therefore not to be done; we ſhould, upon that account, deny Obedience to the Commands of the Pope, or any other lawfull Superiour, in matters evidently, or at leaſt probably, lawfull: And the forbearance of this Oath (which is onely enjoyned us in the forementioned Briefs, as has been ſhewn) is manifeſtly or probably lawfull, as our Adverſaries ſeem to confeſs.

42. Conſider, Thirdly, that the Popes have been ſo far from forbidding Catholicks to render Civil Obedience to His

Majesty, His Royal Father and Grandfather, Kings of *England*, that rather they have several times, and in terms very significant, charged the *English* Catholicks to render to their Majesties all Civil Allegeance and Obedience. Neither have the Popes declared any of their Majesties deprived of their Crown. Nay, never any Pope (as some have well advertised) has declared any Heretical Prince, brought up always in that Profession, (as the three forementioned Kings were brought up Protestants,) deprived of their Dominions. Neither do the Popes, in the above-mentioned Briefs, whereby they prohibit the taking of this Oath, declare in expresse terms, that they have any Authority to Depose Hereticall Princes: and much lesse do they oblige us to swear, or to make any acknowledgement, that they have any such Authority: but onely they enjoyn us a meer forbearance of the Oath, the taking whereof is not properly (as has been shewed above) any Act of Civil Allegeance, or at least of bare Civil Allegeance.

43. Concerning *the meer Civil Allegeance* pretended to be *contained in this Oath, and that alone*; Consider, First, whether whatsoever a Prince is pleased to put into an Oath, which he terms *an Oath of Allegeance*, is to be held as appertaining to meer Civil Allegeance, and whether the Refusers thereof are to be lookt upon as Refusers of Civil Allegeance. As for instance, if an Oath, intitled *an Oath of meer Civil Allegeance*, were framed, wherein were expresly denied a Power in the Pope to Excommunicate any of His Majestie's Subjects in any case whatsoever, or to direct them in Spiritual affairs; sure no Catholick would say, that such an Oath did contain meer Civil Allegeance, though the Prince, by whose order it was framed, should term it *an Oath of Civil Allegeance*, or that the Refusers thereof were guilty of Disloyalty.

44. Consider, Secondly, whether, since it is manifest that an Oath, though styled *an Oath of meer Civil Allegeance*, may contain some things not appertaining to Civil Allegeance, but to Spiritual Jurisdiction, as the forementioned Oath, denying a Power in the Pope to Excommunicate; whether then

then (I ſay) the Pope, to whom the Supreme Spirituall Juriſdiction belongs, and not the King, whoſe Juriſdiction is onely Civil, may not judge of ſuch an Oath, ſo far as it contains things appertaining to Spiritual and Eccleſiaſtical Juriſdiction. And if ſo, whether, ſince this preſent Oath contains ſuch things, as has been declared above, the Pope may not judge of this Oath, as far as it contains ſuch things, though it be pretended by ſome that it contains meer Civil Allegeance: and whether we are not bound to ſtand rather to the Pope's Judgment, in order to ſuch things, then to the King's Declaration.

45. Conſider, Thirdly, that there is this difference between *the King commanding us to take this Oath*, (ſuppoſing he does command it,) and *the Pope prohibiting us to take it*; that to the end the King may command us to take it, 'tis neceſſary, that there be nothing therein contained which does not belong to the Civil Power, ſince we acknowledge His Majeſty to be our Sovereign onely in Civil matters: but to the end the Pope may prohibit us to take this Oath, 'tis enough, that any thing whatſoever therein contained belongs to the Eccleſiaſtical Court, whoſe Head the Pope is, and that he judges ſuch things to be unlawfull. So that far leſs is required, or ſufficient, to prohibit an Oath, then to command it. Neither does the Pope prohibit each part of the Oath by it ſelf, and ſeparately taken, but he prohibits us to take the whole Oath: and to prohibit the whole, 'tis enough, that any part thereof whatſoever be unlawfull, according to that Maxime, *Bonum ex integra cauſa, Malum ex quocunque defectu.*

46. Conſider, Fourthly, that we are bound to ſubmit to *the King's Commands* onely in Civil matters, as to *the Pope's Ordinances* onely in Spiritual; ſince, as we acknowledge the Pope's Supremacy onely in Spirituals, ſo we acknowledge the King's Supremacy onely in Temporals. And ſince this Oath contains, as has been proved, ſome things not appertaining to the Civil Juriſdiction, we do not think our ſelves obliged to ſubmit to His Majeſtie's Orders, wherein he commands us to take this Oath as it lies: as upon the ſame

account we are not bound to take the Oath of Supremacy, though His Majeſty commands His Subjects as much to take the one as the other, and Penalties are enacted againſt the Refuſers of both. Nay, if the thing commanded by the Pope be a Civil matter, though it ſhould be lawfull, we are not bound to ſubmit to ſuch a Command, ſince the Pope's Juriſdiction extends onely to Spirituals: So if the thing commanded by the King be Spiritual, though it ſhould be lawfull, we are not bound to ſubmit to ſuch a Command, becauſe the King's Juriſdiction extends onely to Temporals. Whence appears, that the Major Propoſition of the Argument, framed in the Objection, to prove the Refuſal of the Oath unlawfull, is falſe and of no force. For ſince this Oath contains things not appertaining to Civil Juriſdiction, the King, by commanding us to take this whole Oath as it lies, commands us things not appertaining unto Him: But the Pope, by prohibiting us to take this Oath, by reaſon of things appertaining unto Him contained therein, and not farther then they appertain unto him, does not exceed his Juriſdiction; and it is unlawfull to deny Obedience to the Commands of a Superiour in matters appertaining unto him, and no farther then they do appertain unto him.

47. Conſider, Fifthly, that though we ſhould grant, as we do not, that *it is doubtfull, whether the matters contained in this Oath, (wherein the main difficulty thereof conſiſts,)* conſidered in themſelves, *do appertain to the Eccleſiaſtical or Civil Court:* yet ſince the Pope's and the King's Orders in this point do contradict one another, we ought rather to ſubmit to the Pope's Prohibition, then the King's Command, in this Caſe. Firſt, Becauſe, though the Pope and the King be both Supreme, the one in Spirituals, the other in Temporals; yet the Pope's Supremacy (the End whereof is Eternal Bliſs) is of a higher Hierarchy then the King's Supremacy, (the End whereof is Temporal Felicity onely.) And certainly, when Two Supreme Governours claſh one with the other, ſo that we cannot obey them both, but muſt obey one of them, (as in our preſent caſe, we muſt obey either the Pope,

Pope, forbidding the Oath, or the King, commanding it;) we are bound, *cæteris paribus*, to ſubmit rather to him, whoſe Juriſdiction is of a higher Hierarchy, then to the other, and to our Spiritual Governour, then to our Temporal. Neither will the Proteſtants deny this Doctrine to be true, when it happens that the Spiritual and Temporal Powers do thwart one another, all other Circumſtances being equal.

Secondly, Becauſe, according to the common ſentiment of Divines and Canoniſts, when it is doubtfull, whether ſuch a matter, conſidered in it ſelf, does appertain to the Spiritual or Temporal Court, it belongs to the Spiritual Judge to decide to which of theſe two Courts it does appertain: For, other Circumſtances being equall, the Spiritual Judge is to be preferred before the Temporal: neither is there any other commodious way to decide the Queſtion. Thirdly, Becauſe the Pope requires leſs of us then the King. For the Pope onely requires, that we ſhould not take this Oath; not, that we ſhould ſwear any thing contrary to it: but the King requires, that we ſhould poſitively take this Oath as it lies; which is far more. And when Two Precepts contradict one another, we ought to ſubmit to that Precept of the two, *cæteris paribus*, wherein leaſt is required of us. Fourthly, Becauſe the Pope's Precept in this matter is Negative, but the King's Precept is Affirmative: and when Two Precepts oppoſe one another, we ought rather, all other Circumſtances being equall, to embrace the Negative Precept then the Affirmative, according to the common opinion of Divines.

48. Conſider, Sixthly, that the Pope does not expreſly condemn, as the Opponent ſeems to ſuppoſe, any of the Points under debate, contained in this Oath; neither does he require of us, that we ſhould ſwear, that he has any Power to depoſe Kings; but onely, that we ſhould not ſwear, that he has not any ſuch Power: which is what the King requires of us. So that the King, and not the Pope, decides the Point under debate in his own favour, requiring us to ſwear poſitively the part favourable unto Him. Since therefore *Withrington* and his other Catholicks, who defend the Oath, do confeſs,

that this Question, *Whether the Pope has any Authority to depose Kings*, is yet under debate between Popes and Kings, *Certant Scholastici, & adhuc sub judice lis est*, as they alledge out of *Trithemius* and others; why should the King decide the Question in his own favour, requiring his Subjects to swear positively, that the Pope has no such Authority; which is, as it were, to take possession of the part favourable unto him? or why may not the Pope inhibit such an Oath, in case the King enjoyns it, as long as the Question is in debate between the Pope and King, as our Adversaries confess it is yet? *Adhuc sub judice lis est.* For as long as it is under debate to whom such a thing belongs, either of the parties has right to hinder his Adversary from taking possession thereof, though he himself cannot take possession of it, till the Question be lawfully decided in his favour: and it is much less to hinder another from taking possession of a thing, then to take possession of it himself.

49. Consider, Seventhly, that whoever acknowledges the King to be our Sovereign in Temporall and Civill matters, as we do, he must confess that *neither the Pope*, nor any one else, *has any direct and absolute Power over this Kingdome*; such a Power in any other being inconsistent with the Sovereignty of the King in Temporalls: as in the like manner, whoever acknowledges the Pope's Supremacy in Spiritualls, as we also do acknowledge, he must necessarily, upon the like ground, deny any other to be invested with the same Superiority. So that, should the Pope declare himself Sovereign in Temporalls over this Kingdome, or any other His Majestie's Dominions, with a direct and absolute Power, he would in that case declare a thing manifestly destructive to the King's Sovereignty in Temporalls, which we acknowledge. Neither does it belong to the Pope, or the Spirituall Court, to declare who is the Temporall Sovereign of such a Kingdome; but to the Representative of that Kingdome, or to some other Civill Power, according to the different constitutions of Civill Government. So that to declare the Pope Temporall Sovereign of such a Kingdome, is not to declare how

how far his Spirituall Jurisdiction, as such, extends it self, (which does belong to the Spirituall Court;) but rather it is to declare him Sovereign or Supreme Governour in a different kind: which Declaration does not belong unto him. Neither, because a lawfull Superiour may, perhaps, exceed his Power in some matters, does it therefore follow, that in no other thing he is to be obeyed. What therefore we affirm in this point is, That as it belongs to a Sovereign Temporall Prince, to determine what is precisely necessary for the Conservation of his Temporall Sovereignty, in case he be unjustly attacqued by another in his Temporalls: so it appertains to the Sovereign Spirituall Prince, (who is the Pope,) to determine what is necessary to be done for the Conservation of his Spirituall Sovereignty, in case he be unjustly attacqued in Spiritualls.

50. Consider, Eighthly, to the end that it may clearly appear how willing the *English* Catholicks are to give His Majesty any just Security of their Loyalty, that they are ready, if it be necessary, not onely to take all the Clauses of this Oath, wherein meer Civill Allegeance due to His Majesty is contained, but other Oaths also, rather more expressive of Civill Allegeance then this is; *viz.* such as were taken by the Subjects of the ancient Kings of *England*, or which are taken now by the Catholick Subjects of other Christian Princes, whether Catholicks or Protestants, or of any other profession. And certainly it would be very ridiculous to affirm, that there is no standing Oath, in any other Christian Country, sufficiently expressive of Civill Allegeance. And to descend to particulars; They are ready to swear, without any mentall Reservation, *That they acknowledge their Sovereign Lord King CHARLES the Second to be lawfull King of this Realm, and of all other His Majestie's Kingdomes: That they renounce all Power whatsoever, Ecclesiasticall or Civill, Domestick or Forrein, repugnant to the same: That they confess themselves obliged in Conscience, to be as obedient to His Majesty in all Civill affairs, as true Allegeance can oblige any Subject to be to his Prince: That they promise to bear inviolably, during*

during life, true Allegeance to His Majeſty, His lawfull Heirs and Succeſſours, and Him and them will defend againſt all Attempts whatſoever, which ſhall be made againſt His or their Rights, the Rights of their Perſons, Crown or Dignity, by any perſon whatſoever, or under whatſoever pretence; That they will doe their beſt endeavour to diſcover to His Majeſty, His Heirs and Succeſſours, or to ſome of their Miniſters, all treacherous Conſpiracies, which they ſhall know or hear of to be againſt Him or them: That they do declare that Doctrine to be impious, ſeditious and abominable, which maintains, that any private Subject may lawfully kill or murther the Anointed of God, his Prince. Now let any one judge, Proteſtant or Catholick, whether theſe forementioned Clauſes are not more, or at leaſt as expreſſive of Civill Allegeance, as the ordinary Oath is: And if ſo, then let them conſider, whether, ſince Catholicks are ready to take any of the Oaths above mentioned, they can rationally be ſuſpected to refuſe the ordinary Oath of Allegeance for want of Loyalty. For did they refuſe it upon that account, they would not offer to take the above-ſaid Oaths, wherein as much or more Civill Allegeance is contained then in the ordinary Oath. And whether alſo (probably ſpeaking) we may not vehemently ſuſpect, that Proteſtants, who will not be content that Catholicks ſhould take any of the aforeſaid Oaths, (wherein all Civill Allegeance due to Princes is manifeſtly contained,) but will needs have them take the ordinary Oath, do require of them ſomewhat more then meer Civill Allegeance: otherwiſe, why ſhould not they be content with any of the forementioned Oaths? Wherefore it would not be amiſs, that when the Oath is tendred to any Catholick who is reſolved to refuſe it, he ſhould make a Proteſtation of his Fidelity, by offering to take any of the forementioned Oaths. Which will at leaſt ſerve to diſabuſe Proteſtants, that he does not refuſe to take the ordinary Oath for want of Civill Allegeance.

51. Conſider, Laſtly, that doubtleſs there may be framed an Oath of Allegeance, with ſuch glances upon the Tenets of Proteſtants, (the ſame is of any other Religion,) that no

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Protestant, who will stick to the Tenets of his Religion, can take: though it would seem very irrationall, to deduce thence, that Protestants deny Civill Allegeance to His Majestie, if they be ready to take another Oath, wherein all Civill Allegeance is clearly contained. And if so, why may not we refuse this Oath, by reason of some doubtfull or false Expressions it contains, or of some glances it has at our Religion, without therefore deserving to be impeached of Disloyalty; since we are ready to take other Oaths, wherein as much or more Civill Allegeance is contained?

52. If they object, Fourthly, for the Lawfulness of this Oath, "the Authority of the Kingdome of *France*, of the "University and Parliament of *Paris*, and of other Universi-"ties and Parliaments of that Kingdome, who constantly "deny the Pope to have any Authority or Power, direct or "indirect, to Depose Kings; and finally, of the *French Je-"suits*, who subscribed the Censure and Condemnation of "some Books wherein that Power was defended; and why "may not the Catholicks of *England* have the same liberty "as the Catholicks of *France* have?

53. Concerning *the Authority of France*, for this Oath, objected against us; Consider, First, that though in an Assembly * held in *France* of the *Three Estates*, Ecclesiasticks, Nobility, and Commons, in time of Cardinall *Peron*, there was drawn up ‖ an Oath by the *Third Estate*, or Commons, wherein is affirmed, † *That there is no Power on earth, either Spirituall or Temporall, that hath any Right over his Majestie's Kingdome, to Depose the Sacred Persons of our Kings, nor to dispense with or absolve their Subjects from their Loyalty and Obedience which they owe to them; for any cause or pretence whatsoever:* yet the Two chief parts of the Assembly, *viz.* the * Spirituall and Temporall Lords, were so much against this Article of the Oath, that they were resolved, especially the Spirituall Lords, to die rather then take it; and the *Third Estate*, or Commons, who had drawn it up, after they had heard *Peron*'s Oration against it, laid it aside, which is as much as handsomely to recall it. And how can we reasona-

* Anno 1615.
‖ Quoted in *the Reflexion upon the Oath*, pag. 73.
† De hoc Articulo ait Gallic. Eccles. in illis Comitiis, *non alio tendere quàm ad Schisma confiandum, & corroborandum Haresin.* Mercur. Gall. Tom. 30. Ann. 1615. p. 298, 247.
* *Rex, silentio impositio, Articulum inseri codicillis vetuit. Nobilitas Clero consentit.* Id. pag. 336.

bly ſay that the Kingdome of *France* is for an Oath, which the Two principall parts of the Aſſembly, repreſentative of that Kingdome, were ſo eager againſt, and which the Third part, after ſerious conſideration, laid aſide?

54. Conſider, Secondly, that rather we may alledge the Kingdome of *France* for the Negative, or againſt the Oath, according to what happened in the Aſſembly. For it is a certain kind of Argument againſt a thing, when, having been propoſed and debated in an Aſſembly, it was not carried, but rather rejected. Neither has there been ſince enacted by any other Aſſembly of *France* any Oath of this kind, to be tendred unto all, (neither do our Adverſaries pretend, that any ſuch thing has been done,) as our Oath of Allegeance was enacted for all ſorts of people, by our Parliament, which correſponds to the Aſſembly in *France*. Neither is there in *France* any other Oath, wherein is expreſly denied the forementioned Power, eſtabliſhed by the King or any Parliament, or any other ways, for to be taken by all ſuch who ſwear Allegeance to his moſt Chriſtian Majeſty. And the *Engliſh* Catholicks are ready to take the Oath of Allegeance to His Majeſty which is generally tendred in *France*. And why may not His Majeſty be content with the ſame kind of Civil Allegeance from his Subjects, which the *French* King and other Sovereigns require from their Subjects? All which ſhews, that *France* cannot reaſonably be brought as a precedent in the Cauſe we treat of.

In convent. Epiſc. Gall. habito 27. Febr. 1626. damnatus eſt ille Articulus: ſubſcripſerunt 2 Card. 10 Archiep. 30 Epiſc. Rochefoc. in ration. cont. Schiſm. Sect. 1. Sect. 102. & Mercur. Gallic. tom. 11. An. 1626. p. 105. Etiam major pars Tertii Ordinis Articuli illius progreſſum impedivit. Card. Richelieu lib. cont. 4 Miniſtros Calviniſt. pag. 173.

55. Conſider, Thirdly, that ſince the Repreſentative of *France* has ſo much favoured the Negative, though we ſhould grant, (and whether it muſt be granted or not, we ſhall ſee by and by,) that ſome other particular Tribunall or Society of that Kingdome have favoured the contrary; yet becauſe the Aſſembly or Repreſentative of *France* is far above thoſe particular Societies, we ought to conclude, that *France* rather countenances the Negative, then the Affirmative. Should we ſee that our Parliament did countenance ſo much the Negative of an opinion, as the forementioned Aſſembly of *France* did countenance the Refuſall of that Oath; though ſome particular

ticular Court at *Weſtminſter*, or the Univerſity of *Oxford*, ſhould countenance the contrary; we ought to ſay that *England* rather ſtood for the Negative, then the Affirmative.

56. Concerning *the Authority of the Parliament and Univerſity of Paris* in this Point; Conſider, Firſt, that neither that Parliament, nor any other Parliament of *France*, neither that Univerſity, nor any other Univerſity of that Kingdome, have ever yet made any publick and authentick Act wherein they approve our preſent Oath of Allegeance as it lies, and all its Clauſes wherein the difficulty thereof conſiſts; neither do our Adverſaries pretend any ſuch thing: but onely that the Parliament and Univerſity of *Paris*, with ſome other Parliaments and Univerſities of *France*, have made Decrees, wherein they deny the Pope to have any Power whatſoever to Depoſe Kings, or to Abſolve their Subjects from the Allegeance due unto them, for any cauſe or under any pretence whatſoever. Yet hence does not follow, that the Parliaments or Univerſities of that Kingdome do approve this Oath. For to approve an Oath, 'tis neceſſary to approve all and every part thereof: and who onely approves one part, does not therefore approve the whole. So that whoſoever argues hence, to ſhew the Lawfulneſs of this Oath, his Argument muſt run thus: "The Univerſity and Parliament of "*Paris* approve ſome Clauſes of this Oath, whereat ſeverall "perſons do ſcruple: Therefore they approve the whole "Oath." Which Argument is inconcluſive, as is manifeſt.

57. Conſider, Secondly, that though the Authority of the Parliament and Univerſity of *Paris* may work ſo far with ſome, as to perſwade them that this Oath ought not to be refuſed upon the account of any juſt Scruple concerning the Power in the Pope to depoſe Kings, or abſolve their Subjects from the Allegeance due unto them; yet it does not therefore follow, that the ſame Authority (which does not concern it ſelf at leaſt in any publick Decrees about other Difficulties of the Oath) ſhould perſwade them not to refuſe

at all this preſent Oath, ſince there are ſeverall other reſpects, not taken notice of by the Parliament or Univerſity of *Paris*, in their publick Decrees alledged by our Adverſaries, for which many refuſe it. Some, though ſatisfied that the Pope has no Power to depoſe Kings, yet they have a great difficulty about the word *Heretical:* for it ſeems hard unto them, to cenſure the Doctrine which maintains, that *Princes Excommunicate or deprived by the Pope, may be depoſed by their Subjects*, for an Hereſie, or for as bad as an Hereſie; and the Defenders thereof for Hereticks, either materiall or formall, as invincible ignorance does or does not excuſe them, or at leaſt for as bad as ſuch; and to ſwear that they deteſt them in the like manner, either for ſuch, or as bad as ſuch.

58. Others think, they cannot ſwear with Truth, that neither the Pope, nor any other whatſoever, can abſolve them from this Oath, or any part thereof, in any caſe imaginable; ſince the King himſelf may abſolve His Subjects from ſuch an Oath, either all of them, by laying down the Government with conſent of the Kingdome, as *Charles* the Fifth did; (and it is hard to oblige one to ſwear, that a King of *England* in no caſe poſſible can doe the like;) or at leaſt ſome of them, by paſſing a Town under his Juriſdiction to another King, as His Majeſty paſſed *Dunkirk* to the *French* King, and conſequently abſolved from the Oath of Allegeance the Inhabitants who had taken it. Moreover, they do not ſee how they can ſwear, that it is impoſſible, that, in any caſe whatſoever, a King of *England* may be juſtly conquered. For if he be juſtly conquered, then he is juſtly depoſed; and if juſtly depoſed, then his Subjects are abſolved from their Oath of Allegeance: for no body is bound to pay Allegeance to one who is no longer his King or Sovereign.

59. Others cannot ſwallow that term [*Heartily*] inſerted in the Oath, nor ſwear, that all they muſt ſwear, if they take the Oath, they ſwear *heartily*, according to the plain and common ſenſe of the words by them ſpoken. For to ſwear *heartily* is more then to ſwear onely with a meer power not to ſwear. A Merchant, who throws out his goods into the Sea

Sea onely to ſave himſelf and his ſhip, cannot be ſaid to doe it *heartily*; which ſignifies, to doe a thing without a reluctancy of mind; but rather with an inclination and propenſion of mind thereunto. And how (ſay they) can we ſwear, that we take this Oath *heartily*, and without any reluctancy of mind, but rather with a great inclination thereunto, when we are forced to take it to conſerve our privileges or employments, or not to undergo ſevere penalties enacted againſt thoſe who refuſe it? and when we ſee that ſo many great Difficulties have been ſtarted againſt this Oath, and purſued with ſo much vigour; that ſo many Learned and Conſciencious men are againſt it; and that the Supreme Paſtour of the Church has ſo often and ſo ſeverely prohibited it? All which (ſay they) cannot but create, in any tender Conſcience, ſome regret and reluctancy of mind to take the Oath.

60. Others are deterred by the Title of the Act wherein this Oath is inſerted, *An Act for the Diſcovering and Suppreſſing of Popiſh Recuſants:* whereby it ſeems to be inſinuated, that the taking this Oath is made a Denial of the *Roman* Catholick Religion, or of Popery. For though other things are contained in the Act, which do contribute to the Diſcovery of Popiſh Recuſants; yet this Oath is inſerted among the reſt, and compleats the Diſcovery of them. And it is not lawfull to doe any thing which is made by Publick Authority a Denial of the true Religion, or a diſtinctive Sign of a falſe Religion.

61. Others, though they are ſatisfied concerning the Subſtance of the Oath, yet are gravelled at ſome ambiguous Expreſſions. The Authour of the Reflexions upon this Oath, though he be very fierce againſt the Pope's Power to depoſe Kings, yet he ſeems diſſatisfied with the Oath, by reaſon of ſeveral ambiguous Expreſſions therein contained; as appears by what he ſays *pag.* 76, 77. and an Oath muſt not be *ambiguous*. Nay, the Authour of the Queſtions concerning the Oath, though ſo eager for the Lawfulneſs thereof, does notwithſtanding confeſs, (*pag.* 26.) that it is *dreſt up unhappily with ſome odde Expreſſions, at the firſt ſight*; and therefore

he heartily wishes that another form of Oath were framed, which *might not trouble* with Scruples the less-instructed Conscience of any.

62. Others, though they believe that what-ever is contained in the Oath is true, and are ready to swear that they believe it, yet they cannot be brought to swear positively, that what-ever is asserted in the Oath is true: which is very different. Others, finally, though they be satisfied concerning the Substance of the Oath, and the Expressions too, yet see no Necessity of swearing, or any good they get by taking the Oath: and an Oath, amongst other Conditions, must be *necessary*. All such persons as these, though they be fully satisfied, either from the pretended Authority of *France*, or otherwise, that the Pope has no Power to depose Kings; yet those Decrees of *France*, which our Adversaries produce, do not clear, nor so much as touch, the forementioned Difficulties; and consequently are not alone able to induce the aforesaid persons to take the Oath, or to justify the taking thereof. Whence it follows, that because one refuses the Oath, it cannot in rigour be inferred, that he denies such a determinate Clause thereof, let them take which they please; since some dislike one thing, and some another: nay, nor that he does not assent to the whole Substance of the Oath, and to its Expressions also. And much less can it be thence inferred, that such an one who refuses the Oath does deny Civil Allegeance to His Majesty.

63. Consider, Thirdly, that the Decree of the Parliament of *Paris* published the 27. of *June* 1614. quoted by *Withington* in the place above-mentioned, whereby was prohibited *Suarez* his Book, intitled *Defensio Fidei Catholicæ, &c.* is to be understood onely, as appears by the Chapters cited in the Decree, and by the tenour thereof, in order to the Prohibition of that Doctrine, which maintains the Temporal Authority of the Pope over Kings: but it does not concern it self at all with other Difficulties, which *Suarez* and other Authours raise about the Oath: which notwithstanding must be cleared, before we can take it.

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64. Conſider, Fourthly, that it is one thing to prohibit the teaching or preaching that the Pope has any Power to depoſe Kings, or to command one to teach and preach the contrary; which is all our Adverſaries can prove from the forementioned Decrees, or any other, of the Parliaments and Univerſities of *France*; and another thing to command one to ſwear poſitively, that the Pope has no ſuch Power, and to abjure the Affirmative as Heretical, which the King commands us to doe when He commands us to take this Oath. So that the Argument our Adverſaries draw from ſuch Decrees of *France* is this; "The Parliament or Univerſity of *Paris* "prohibits any one to teach, that the Pope has Authority to "depoſe Kings, or commands ſome to teach the contrary: "Therefore the King may command us to ſwear poſitively, "that the Pope has no ſuch Authority, or to abjure the contrary "as Heretical. Which conſequence is null, as is manifeſt. For what Univerſity is there, wherein the Members thereof are not prohibited to teach certain Opinions, or are not commanded to teach the contrary; many of which Opinions are meer Scholaſtical and Philoſophical Queſtions, either part being probable? But yet they are not therefore commanded to ſwear poſitively, that ſuch Opinions are true, neither can they in Conſcience many times ſwear it: For one may teach ſuch an Opinion to be true, though he cannot ſwear it to be ſo; more being requiſite to *ſwear* a thing to be true, then to *teach* that it is ſo.

65. Conſider, Fifthly, that what was reſolved by the Parliament of *Paris*, in that Decree concerning the *Jeſuits*, was, "That the Rector, with ſome others of the principal Fathers, "ſhould be ſummoned to appear in the Court at ſuch a day: "That they ſhould be told, that, contrary to the expreſſe "Order of their own General, iſſued forth in the year 1610. "this Book of *Suarez* had been printed, and brought into "that Kingdome: That they ſhould procure the ſame Pro-"hibition to be renewed by their General; and that they "ſhould exhibit an authentical Copy thereof within three "months: finally, That they ſhould exhort the people, in "their

"their Sermons, to embrace the contrary Doctrine to the Pro-
"poſitions they had prohibited. But from all this it cannot be inferred, that the *French Jeſuits* did, or would have ſworn poſitively, That the Pope has no Power, in no caſe whatſoever, to depoſe Princes; nor that they did exhort the people to ſwear any ſuch thing; nor that they were commanded by the Parliament ſo to doe. One may exhort another to embrace an Opinion, which notwithſtanding he will not nor cannot poſitively ſwear to be true, nor exhort the other to ſwear it is ſo. And yet whoever exhorts any one to take the Oath, he muſt exhort him to ſwear poſitively, that the forementioned Opinion, *viz.* That the Pope has no Power to depoſe Kings, is true. Much leſs can it be inferred from the aforeſaid Decree, that the *French Jeſuits* did approve, or were commanded to approve, of all the other Clauſes contained in the preſent Oath. And conſequently, their Authority cannot be alledged for the Lawfulneſs thereof. For though the Clauſes relating to the Pope's Power to depoſe Princes may ſeem to ſome to contain the main Difficulty; yet this to others ſeems no Difficulty at all: and there are ſeveral other Difficulties involved in the Oath, as has been ſhewn. And to the end we may lawfully take an Oath, 'tis neceſſary to be ſatisfied concerning all, and every Difficulty and Clauſe thereof. For to ſwear any thing either falſe, or doubtfull, though never ſo little in it ſelf, is a grievous Sin.

66. Concerning *the Authority of the Univerſity of Paris* in particular, for the Lawfulneſs of the Oath; beſides what already has been ſaid in general, Conſider, Firſt, that though we ſhould grant, (as we do not,) that the Univerſitie of *Paris*, and other Univerſities of *France*, are for the Oath: yet even our Adverſaries confeſs, that the Univerſities of *Spain* are againſt it, where, beyond debate, there are many Learned and Conſciencious men, and as zealous for the Honour and Safety of their Kings as any in *France*; and they have as many Prerogatives relating to the Security of their Sovereigns againſt the Uſurpations of any Eccleſiaſtical Prince, as in any Countrey whatſoever. So that, admitting that on both ſides there

The Univerſity of *Louvaine* is alſo againſt this Oath, as appears by a Cenſure they gave *Dec.* 29. 1662.

there are grave Authours, yet the Negative, in the preſent debate, has the advantage of the Affirmative, That the Pope, who is the competent Judge in theſe affairs, (as above has been proved,) and to whom both parties made their addreſs, has given his expreſs Sentence for the Negative; and among other things which render an Opinion, before probable, practically or in practice improbable, one is, an authentick Declaration or Sentence of a competent, eſpecially Supreme, Judge to the contrary.

67. Suppoſe that in a Plea before the King and His Councill, there are many brave Lawyers on both ſides, who produce ſeveral pregnant Arguments, and excellent Precedents, in favour of their reſpective Clients, which render the Cauſe doubtfull; yet that party muſt needs carry it, for whom the King and His Council gave their definitive Sentence: neither is it longer lawfull for the party condemned to ſtand out, becauſe many learned Lawyers are on his ſide, or to retrive the former Arguments produced for his right; which ſignifies no more then to plead after the Suit is loſt. Neither would the party who had gained the Cauſe concern himſelf any farther with what the Lawyers of the contrary ſide object againſt him. The ſame happens in our preſent Caſe. There are many grave and learned Authours againſt the Oath: ſuppoſe there are alſo many for it: yet ſince the Impugners of the Oath have obtained ſeveral expreſs Sentences of the Supreme Judge in their favour, they do not think themſelves obliged to take any farther notice of what the Defenders of the Oath produce againſt them, which cannot excuſe them from an exteriour Compliance with the Judge's expreſs Sentence, as long as it is authentick. And this is the Reaſon, why the Impugners of the Oath have not in a long time printed any thing againſt it. For what more can they pretend by their writings, but that the Oath be condemned by the Pope? which has been already done. But the Defenders of the Oath continue ſtill to write, after they have loſt the cauſe; according to the common ſaying, *Loſers muſt have leave to talk*, or at leaſt they will take it.

68. Conſider, Secondly, that among other Oaths, which thoſe who deſire to be incorporated in the Univerſity of *Paris* are to take, one for the Degree of Bachelour is, *That they will hold the Articles of the Faculty of Paris to be true; and that, when occaſion offers, they will defend them to be agreeable to Faith and Religion:* which is a promiſſory Oath; the truth whereof onely requires, that he who ſwears has a ſincere intention to doe what he promiſes: and (as we have already ſeen) one may promiſe, even under an Oath, that he will defend ſuch an Opinion to be true, when occaſion offers, though he does not, nor cannot lawfully, many times, ſwear poſitively that it is true. For theſe two Oaths are very different, *Before God, I judge that the Pope has no Power* to depoſe Kings, and I promiſe to defend it, when occaſion requires; and, *Before God, he has no ſuch Power.* The immediate object of the former Oath is onely our own Judgment, or Intention; whereof every one is certain: and conſequently, to call God for witneſs that he has ſuch a Judgment, being certain that he has it, is not to expoſe God to be a witneſs to a Falſity. But the immediate object of the latter Oath is the Matter it ſelf, which probably may be otherwiſe: and to call God for witneſs of a thing that I know probably may be otherwiſe, is to expoſe him to be witneſs of a Falſity; which, let the matter be never ſo little, is a great affront. And therefore it is a common way of ſpeaking among conſciencious people, *I think ſuch a thing is true, but I will not ſwear it is true.* Hence it follows, that the immediate object of Oaths is not alwaies the Judgment of the perſon who takes them: otherwiſe it would be impoſſible that one ſhould ever ſwear falſe, judging that he ſwears true, ſince every one is conſcious of his own actual Judgment; neither can one think that he judges actually, when he does not: And yet certainly it is poſſible that one ſhould ſwear falſe, thinking that he ſwears true. So that though we ſhould grant that the Univerſity of *Paris* does oblige her Members to ſwear, that they will defend, that the Pope has no Power to depoſe Kings; it does not therefore follow, that they can be,

or

or are, bound to ſwear poſitively, that the Pope has no ſuch Power: which notwithſtanding we muſt ſwear, if we will take this Oath. Neither, becauſe they are bound to ſwear, that they will defend the Articles of the Faculty of *Paris* to be *agreeable to Faith and Religion*, does it therefore follow, (as ſome do ſeem to pretend,) that they are bound to defend them as *Articles of Faith*. For the common Approbation of Theological and Spiritual Books, is, that they contain nothing *which is not agreeable to Faith and good manners*: and yet, ſure, thoſe who give ſuch Approbations are far from approving all that is contained in ſuch Books, as *Articles of Faith*.

69. Conſider, Thirdly, that among other Articles of the Faculty of *Paris*, one is, (upon which chiefly our Adverſaries ſeem to have had an eye,) *That it is not the Doctrine of the Faculty, that the Pope has any Authority over the Temporals of his moſt Chriſtian Majeſty; and that the Faculty has alwaies reſiſted thoſe who affirm this Power to be onely indirect.* Now to infer hence, that the Faculty of *Paris* does approve our preſent Oath, even in this Point, concerning the Pope's Power over the Temporals of Princes, is to argue thus; "The Fa-"culty of *Paris* does not teach, that the Pope has any Au-"thority over the Temporals of Princes: Therefore, accor-"ding to the opinion of that Faculty, we may ſwear poſitive-"ly, that he has no ſuch Power or Authority. Which conſequence doubtleſs is very weak: For it is one thing, not to teach ſuch a Doctrine, or to puniſh and reſiſt thoſe that do teach it; and another thing, to authorize one to ſwear poſitively, or to teach the contrary. They might, in the like manner, quote all the *Jeſuits* who now live, or have been alive for many years, though they are lookt upon as the greateſt ſticklers againſt the Oath, in favour of it. For they have been prohibited many years agoe, and under Excommunication, to teach or preach, that the Pope has any Authority whatſoever to depoſe Kings; and whoever among them ſhould teach any ſuch Doctrine would be ſeverely puniſhed: whence it manifeſtly follows, *that it is not the Doctrine of the*

Jeſuits, that the Pope can Depoſe Kings. Will our Adverſaries therefore infer hence, that it is the Doctrine of the *Jeſuits*, that we may politively ſwear that the Pope has no ſuch Power?

70. In the ſame Article is contained, *That it is not the Doctrine of that Faculty, that the Pope is above a General Council, nor that he is Infallible without the conſent of the Church.* And ſure hence cannot be deduced, That it is the Sentiment of the aforeſaid Faculty, that we may politively ſwear the contrary Tenets to be true. And though in another of their Articles it be affirmed, *That it is the Doctrine of that Faculty, that his moſt Chriſtian Majeſtie's Subjects cannot be diſpenſed with, under any pretence whatſoever, in their Loyalty due unto him:* yet they are not therefore obliged to ſwear it.

71. Moreover, among other Oaths, which the Members of the Univerſity of *Paris* are bound to take, they muſt ſwear, that *they will hold, that the B. Virgin Mary was preſerved in her Conception from Original Sin:* yet they are not therefore obliged to ſwear it, and much leſſe to abjure the contrary Doctrine as Heretical. For there is a vaſt difference between ſwearing that we will defend ſuch a Doctrine to be true; and ſwearing that it is true, or abjuring the contrary Doctrine as Heretical.

72. Conſider, Fourthly, concerning a certain Decree made by the Univerſity of *Paris* the 20. of *April* 1626. (whereof our Adverſaries make ſo great an account,) condemning ſeveral Propoſitions of *Sanctarellus* his Book as *erroneous, ſeditious, contrary to the Word of God*, &c. according to a common interpretation of thoſe words of the Oath, *I abjure as impious and Heretical*, &c. given by our Adverſaries, that ſuch a Decree or Prohibition is void, and of no force. For, according to that interpretation of our Adverſaries, the forementioned words of the Oath are to be taken *comparatively*, not *aſſertively*; that is, not for abjuring that Doctrine for *Heretical*, but onely for *as bad as Heretical*: in the ſame manner as is commonly ſaid, that we *deteſt ſuch an one as the Devil*, knowing full well, that he is not the Devil. So that, according to this acception, 'tis not neceſſary, that who takes

takes the Oath ſhould think that the Doctrine there abjured is either *impious*, or *Heretical*; nay, he may fully be perſuaded that it is neither *impious*, nor *Heretical*: and he muſt think ſo, if thoſe words muſt be taken *comparatively*, as ſome will have; for all compariſon is between diſtinct things. All which, I confeſs, does ſeem ſomewhat ſtrange to me. Neither do I ſee how, with truth, without Hyperbole, and *according to the plain Senſe of the words*, one can look upon a Doctrine which is not *Heretical*, for *as bad as if it were Heretical*; ſince Hereſy is the blackeſt Cenſure, and what-ever Propoſition is not Heretical, is leſs then Heretical. But my preſent deſign is not to impugn the aforeſaid Interpretation: what I affirm is, that if ſuch an Interpretation be warrantable, yet it cannot be gathered from the above-mentioned Decree, wherein the like expreſſion is uſed, *viz. as erroneous, and contrary to the Word of God*, that the Doctours of *Paris* did hold the Propoſitions condemned in that Decree to be *erroneous*, *ſeditious*, or *contrary to the Word of God*. Nay, notwithſtanding that Decree, they might, and muſt think thoſe Propoſitions to be neither *erroneous*, nor *ſeditious*, nor *contrary to the Word of God*. And if ſo, of what force is this Decree, to prove that we may poſitively ſwear, that the Pope has no Power to depoſe Princes?

73. Conſider, Fifthly, that ſince the Cenſures contained in the forementioned Decree are ſeveral, and the Propoſitions therein condemned are alſo ſeveral, it does not well appear which Cenſures fall upon which Propoſitions; or whether every Cenſure falls upon every one of them. It ſeems incredible, that thoſe Learned men ſhould cenſure as *erroneous*, *ſeditious*, *and contrary to the Word of God*, &c. this Propoſition, which is mentioned in the Decree, *The Pope may with Temporal puniſhment chaſtiſe Kings and Princes for the crime of Hereſy*: ſince 'tis manifeſt, that ſhould an Heretical Prince be reconciled, the Pope, or any other *Confeſſarius* who ſhould reconcile him, might impoſe upon him for the crime of Hereſy ſome corporal and temporal penance or puniſhment, enjoyning him to give an Alms, to build an Hoſpital, or ſome ſuch other work.

Anno 1627. *Feb.* 9 *Facultas Pariſienſis hanc Cenſuram, quoad formam & tenorem, revocavit, nec hactenus, quod ſciam, aliam confecit.* Mercur. Tom. 12. An. 1627. pag. 21. Vide etiam Rochefoc. pag 386.

in the year 1627.

74. Conſider, Sixthly, that the forementioned Book of *Sanctarellus* was prohibited at *Rome* by the Pope before it was prohibited at *Paris*, as *Spondanus*, a *French* Authour, relates; who alſo ſays, that the animoſities of the Univerſity of *Paris* againſt this Book *did ariſe from ſome hidden ſeeds of Schiſm.* Now our Adverſaries do not ſo much as pretend, that the Pope is for the Lawfulneſs of this Oath, or of opinion, that we may poſitively ſwear, that he has no Power whatſoever to depoſe Kings; though he prohibited that Book. Why therefore do they infer, that the Univerſity of *Paris*, becauſe it prohibits the ſame Book, is for the Oath?

75. Conſider, Seventhly, whether the Cenſures contained in the above-mentioned Decree may not be underſtood to condemn onely a Power in the Pope to depoſe Princes, either by reaſon of ſome Civill Inſufficiency in the Prince to govern, or ſome light cauſe mentioned by *Sanctarellus*, or upon the meer account of Hereſy or Apoſtaſy, though they ſhould permit their Subjects to enjoy Liberty of conſcience: which ſeems to have been the Doctrine of *Sanctarellus*. If ſo, then our caſe is very different concerning the preſent Point. For neither *Bellarmine*, nor *Peron*, (againſt whom our Adverſaries do ſo hotly inveigh,) do ſpeak of a *meer Civill Inſufficiency*; neither do they affirm, that a Prince may lawfully be depoſed, *meerly becauſe he is an Heretick*, unleſs moreover he forces his Subjects to be ſo too, by perſecuting them. And yet, in the Oath, we are bound to ſwear, that the Pope has not any Power whatſoever, in any caſe poſſible, to depoſe an Hereticall Prince, whether he perſecutes his Subjects or not.

75. Conſider, Eighthly, that though in the forementioned Decree, *Sanctarellus* his Propoſitions be condemned as *contrary to the Word of God*; yet this is not properly to condemn them (as our Adverſaries pretend) for Hereticall, unleſs they be declared as ſuch by the Church: as, to approve a Propoſition as *agreeable to the Word of God*, is not to approve it as an Article of Faith, according to what above has been inſinuated. And there is ſcarce any Scholaſticall Queſtion of

of Divinity, wherein the Defenders of either ſide do not endeavour to prove their Opinion out of Scripture; and conſequently, they look upon the oppoſite Sentence *as contrary to the Word of God:* yet they are far from cenſuring it therefore as Hereticall, and often prohibited ſo to doe. Nay, Proteſtants, who affirm thoſe Tenets wherein we differ from them to be repugnant to Scripture, and pretend to prove they are ſo; yet they do withall confeſs, that they are no Hereſies. So that as well Proteſtants as Catholicks, according to the plain and common ſenſe of the words, underſtand ſomewhat more by an *Hereticall* Opinion, then an Opinion *contrary to the Word of God.*

77. Concerning other things relating to the Authority of *France*, contained in the Objection; Conſider, Firſt, that the Authour of a Book entitled *Some few Queſtions concerning the Oath of Allegeance*, page 8. ſets down an Arreſt of the Parliament of *Paris*, wherein the *Jeſuits* were ordered (as he pretends) to ſubſcribe the forementioned Decree or Cenſure againſt *Sanctarellus* his Book. But this is a great Miſtake, if the Arreſt be underſtood of that Decree. For that Decree was made upon the 20. of *April* 1626. and the Arreſt was dated the 17th. of *March* 1626. wherein the *Jeſuits* were commanded to ſubſcribe within three days; ſo that, according to this account, they were to ſubſcribe a Decree 37 days before it was made: and the Cenſure of the *Sorbon* mentioned in the Decree was paſſed the 4th. of *April* 1626. ſo that, were the Arreſt to be underſtood of this Cenſure, they were to ſubſcribe 15 days before it paſt: which is ridiculous. Beſides, ſhould we grant, that the *Jeſuits* had ſubſcribed the forementioned Decree and Cenſure, we have already ſeen how little that Decree, or the Cenſure therein contained, does favour the Lawfulneſs of this Oath: and conſequently, neither can the Subſcription of the *Jeſuits* to ſuch a Cenſure and Decree help much thereunto. For they would not therefore ſubſcribe or approve the Oath as it lies, nor affirm, that one might poſitively ſwear, that the Pope has no Power whatſoever to depoſe Princes; and much leſs, that one might ſwear,

Plura circa Jeſuitas Gall. quoad hanc rem vide apud Mercur. Jeſuit. pag. 844. *&* Mercur. Gall. Ann. 1626. *Nec probant Adverſarii, Jeſuitas unquam ſubſcripiſſe hanc Prop.* Papa in nullo caſu poteſt deponere regem.

ſwear, that he abjures the contrary as Hereticall: (all which is required in the Oath:) ſince the Univerſity or Parliament of *Paris* never required any ſuch Oath or Subſcription. Nay, one's Subſcription ſignifies no more, but that he thinks the thing he ſubſcribes to be true: yet one may think a thing to be true, though he will not ſwear, nor counſell any other to ſwear it is ſo.

78. Conſider, Secondly, that there are ſome other Propoſitions alledged out of *France* in favour of this Oath, which are commonly held in that Kingdome; *viz. That his moſt Chriſtian Majeſty does not receive his Kingdome but from God, and his Sword—That he does not acknowledge any other Superiour in his Kingdome, but onely God:* (which is to be underſtood *in Temporalls*; for he acknowledges the Pope to be his Superiour *in Spiritualls.*) Now, even thoſe who refuſe the Oath do confeſs the ſame of His Majeſty. Neither is an indirect and conditionall Power to depoſe Kings (which ſome aſcribe to the Pope in certain caſes) inconſiſtent with ſuch Prerogatives. For every King has an indirect and conditionall Power or Right to wage war againſt any other Sovereign, though he receives his Government immediately from God; and to depoſe him too, in caſe he injures ſuch a King or his Subjects, as it is poſſible he may, and refuſes, when required thereunto, to give any reaſonable ſatisfaction. What good *Engliſh* Subject is there, who, in the late *Dutch* War, (which we ſuppoſe to have been juſt on our ſide,) would have ſworn, that His Majeſty had not Right and Power to Depoſe the States Generall, (whom we acknowledge to be Sovereign, and to depend of God alone in Temporalls,) and conſequently, to abſolve their Subjects from their Oath of Allegeance made to them, in caſe they had perſiſted to refuſe to give His Majeſty the ſatisfaction that was due? and what ſatisfaction was due, His Majeſty was to be judge. So that, were this indirect Depoſing power inconſiſtent with the Sovereignty of Princes, there would be no Sovereign Prince at all. And ſince the Pope is Sovereign Temporall Prince of *Rome*, and its adjacent Territories, as even Proteſtants confeſs;

ſeſs; he muſt have the like indirect Depoſing power, or right, which is inherent in every Sovereign Temporall Prince, as even our Adverſaries will not deny. And yet, if we take the Oath, we muſt ſwear, or *teſtify before God*, (which certainly is to ſwear,) That *the Pope, neither of himſelf, nor by any Authority of the Church of Rome, has any Power to depoſe Kings*; that is, neither Temporall nor Spirituall, neither direct nor indirect: for the Propoſition is Negative, and by conſequence denies all Power whatſoever.

79. And here I cannot but ask our Adverſaries a queſtion; which is, Whether either they or Proteſtants do affirm, that all Wars whatſoever undertaken by Chriſtian Princes, (whereof ſome are ſtyled *Defenders of the Faith*, others *Catholick Majeſties*, others *moſt Chriſtian Majeſties*,) in Defence of the Orthodox Religion, againſt another Prince, a Perſecutour of the true Church, and declared to be ſuch by a lawfull and competent Judge, whether (I ſay) they affirm, that all ſuch Wars are unjuſt and unlawfull: and if not, whether the Pope may not declare a Sovereign Prince to be an Heretick, and a Perſecutour of the Church, if really he be ſuch: and whether, if he may make ſuch a Declaration, (as being a lawfull Judge in matters of that nature, according to the unanimous conſent of Catholicks,) he may not alſo in that caſe invoke the help of ſome pious and powerfull Chriſtian King, (which is what is underſtood by *authorizing* him,) to ſtave off by arms the manifeſt injury done to his Sheep in Spiritualls: and if he may in that caſe invoke the help of ſome Chriſtian King to that effect, (ſince it is manifeſt, that Eccleſiaſticks may in ſome caſes invoke the help of a Secular Power,) whether then the King ſo invoked may not condeſcend to the Pope's requeſt, and compell the Hereticall Prince, and Perſecutour, by force of arms, to deſiſt from ſeducing his Subjects; and in caſe of refuſall, to proſecute the War (as he may all other juſt Wars) till he has depoſed, him and conſequently abſolved his Subjects from their Oath of Allegeance. And if they grant all this, how can they counſell us to ſwear, that the

Pope *neither by himſelf, nor with any other, has any Power to depoſe Kings, or to authorize any forrein Prince to invade or annoy them, or their Countries?* All which is involved in the Oath.

80. Conſider, Thirdly, that becauſe the *Gallican* Church has ſuch Privileges or Liberties granted unto it, either by ſome particular Conceſſions of the Pope, or by ſome Contract, or otherwiſe; it does not therefore follow, that every other Church or Kingdome does enjoy the ſame Privileges or Liberties. For one Kingdome may have ſome particular Privileges which another has not: and perhaps we had here ſome particular Privileges, granted unto us from *Rome*, which were not granted in *France*. Among the Propoſitions alledged out of *France* concerning the Pope's Authority, another is, (which ſeems to be held in *France*,) *That the Pope cannot put an Interdict* (which is a meer Eccleſiaſticall Cenſure, as an *Excommunication* is) *either upon the French King, or his Kingdome*: and moreover, the Members of the Univerſity of *Paris* do ſwear, that they will defend, among other Articles, that the ſaid Univerſity *does not approve, that the Pope may depoſe Biſhops, or deprive them, though Eccleſiaſticall perſons, of their Eccleſiaſticall Juriſdiction, contrary to the Liberties and Canons of the Gallican Church, commonly received in that Kingdome.* And yet, ſure, even thoſe Catholicks who ſtand ſo much for the Oath, would think it ſomewhat harſh, if the Parliament ſhould force them to ſwear, that the Pope cannot depoſe a Catholick Biſhop of *England*, (were there any ſuch Biſhop,) that deſerved to be depoſed; or that he cannot put an Interdict upon this Kingdome: ſince they onely pretend to deny the Pope any Juriſdiction over the Temporalls of the Kingdome, or to inflict Temporall puniſhments; but not over the Spirituals thereof, or to inflict Eccleſiaſticall puniſhments, ſuch as an Interdict is. Wherefore this conſequence is null; Such a Practice, or ſuch a Doctrine, is allowed of in *France*, or for *France*; Therefore the ſame Practice, or Doctrine, muſt be allowed of in *England*, and for *England*.

Beſides that the liberty which the *French* have concerning our preſent Debate is onely, that they may defend, that

that the Pope has no Power to depoſe Kings: which liberty is alſo given to our *Engliſh*; ſince the Pope in the above-mentioned Briefs does not declare expreſly, (as our Adverſaries falſely ſuppoſe he does,) that he has any ſuch Power, or forbid us to hold or defend the contrary.

81. Conſider, Fourthly, whether, ſhould we grant, (which we do not) that there were in *France* a publick Oath for all ſorts of people, wherein they do poſitively ſwear, that the Pope has not any Power to depoſe his moſt Chriſtian Majeſty, whether (I ſay) there would not be ſeverall particular Reaſons to refuſe ſuch an Oath as our preſent Oath is in *England*, conſidering the preſent condition thereof, which are of no force in *France*, to refuſe the like Oath. For we may prudently ſuſpect here in *England*, that ſince the Framers of this Oath were mortall Enemies to the Pope and See of *Rome*, they have made ſuch frequent mention therein of the Pope and See of *Rome* (without ſpecifying any other Sovereign Temporall Prince, nay not ſo much as containing them in generall terms; though there be as much need for His Majeſty to ſecure the Loyalty of his Subjects againſt other Sovereigns, as againſt the Pope;) out of hatred and contempt of the *Roman* Church, the Papall Dignity, and the Pope's Supremacy in Spiritualls: and ſince they could not ſo eaſily bring Catholicks to deny it explicitly by taking the Oath of Supremacy, they intend to make them deny it implicitly, and under a colour of Civil Loyalty, inducing them to take this Oath of Allegeance. And that this was the deſign of the Parliament, is manifeſt. For they would have inſerted in the Oath *a Renunciation of the Pope's power to Excommunicate*; whereby they would implicitly, even according to our Adverſaries judgment, have denied the Pope's Supremacy. And though they left out that Clauſe at King *James* his requeſt, yet there remains enough to make us prudently ſuſpect, that the Oath was contrived in contempt of the Papall Dignity. Now it is a conſtant opinion among Divines, that when any thing, though it ſhould be indifferent of it ſelf, is required of us in contempt of any lawfull Dignity, we

are bound to refuse it, though otherwise we might submit unto it. It is related of some ancient Christians, that they would rather die then swear *by the Fortune of Cæsar*; because such an Oath was required of them by the Pagan Emperours in contempt of the True God, to the end that they who took it might be thought to acknowledge implicitly thereby, that Fortune was a Goddess: yet Christians may, if it be necessary, swear *by the Fortune of their Princes*, who are Christians. In like manner, should an *Arrian* King require of his Subjects, that they should swear or subscribe this Proposition, *Christ is a Creature*, they might justly refuse it, though that Proposition in rigour be true; because they might prudently suspect, that the *Arrians* did require of them such an Oath, or Subscription, in contempt of the Divinity of our B. Saviour; which they denied, and endeavoured to prove their Assertion, because he was a Creature. Now nothing of this could be suspected in *France*, where they are *Roman* Catholicks, and own the Pope's Dignity and Supremacy in Spiritualls.

82. Moreover, the very Title of the Act wherein this Oath is inserted, as above has been hinted, does insinuate, that it was instituted by publick Authority, as a distinctive Sign, for to discover *Roman* Catholicks by the Refusall thereof. Neither can it be said, that the Framers of this Oath intended thereby onely to distinguish Loyall Catholicks from those who are not such: First, Because the Title makes no such distinction; and I suppose that the Title was put in by those who framed the Act, and intended thereby to declare their intention. Secondly, Because we might say the same of distinctive Signs of Christians instituted by Pagan Emperours, *viz.* That they were instituted by them onely to distinguish Obedient and Loyall Christians from others who were not such. For Christians, who were put to death by the Emperours for not submitting to the publick Tests ordained by them, were said to be put to death for Disobedience to the Emperours Edicts: and many of the Pagan Emperours did feign that they could not be secure of the Christians; as some Protestants feign that they cannot be secure of Papists: and

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conſequently, thoſe Pagan Emperours might in the like manner have required a compliance with thoſe Teſts, in order to their Security; as *Julian*, the *Apoſtata*, required his Chriſtian Souldiers to doe homage to his Standard, (where he and *Jupiter* were painted,) under pretence of the Reſpect due unto him. Thirdly, Becauſe Proteſtants are perſwaded, that the very Principles of our Religion are inconſiſtent with Civil Allegeance; and therefore in the beginning of the forementioned Act, they look upon this Inconſiſtency as *an infection drawn from our Religion:* and conſequently, they intend this Oath for to diſtinguiſh *Roman* Catholicks from not *Roman* Catholicks; or (which is the ſame) Catholicks who ſtick to their Principles, as by them underſtood, from thoſe who do not. So that whoever takes this Oath, does, according to the Proteſtants Sentiment, renounce or deny ſome Principle of the *Roman* Religion; though they require ſomewhat more for a perfect Conformity to their Religion.

83. Now 'tis certain, according to all Divines, that it is never lawfull to comply with the diſtinctive Sign of a falſe Religion, though the thing of it ſelf ſhould be lawfull or indifferent; as with the eating of Swines-fleſh in time of the *Jews*, and the burning of Incenſe before an Idoll; which might have been inſtituted as an affront: for ſuch Signs are onely arbitrary. And yet ſhould there have been the like Oath enacted in *France*, we could not prudently ſuſpect, that it would ever have been intended for a diſtinctive Sign of Catholicks from not Catholicks.

84. Again, our preſent Oath has been prohibited by ſeveral Briefs of the Pope particularly directed to the Catholicks of *England:* which is ſufficient to perſwade any good *Engliſh* Catholick to acquieſce, and forbear the taking thereof. But ſuppoſing that the Oath framed by the Third Eſtate of *France* had paſt; yet had it not been prohibited by the Pope, there would not have been the ſame reaſon to refuſe it in *France* as here. And ſure the *French* are ſo addicted to the Pope, that had * he expreſly prohibited them to take ſuch an Oath, or to defend ſuch a Doctrine, they would have ſubmitted

* *Vide* Duval. in Elench. & Decretum Facult. Sorbon. ad calcem Magiſtri Sentent. *ubi dicitur, Ad Sanctam Sedem Apoſtolicam pertinet, Authoritate judiciali ſuprema circa ea quæ ſunt Fidei judicialiter definive.*

mitted thereunto: ſince we ſee that they ſubmitted to the Bull of *Innocent* X. wherein the Five Propoſitions of *Janſenius* are condemned, and aſſented unto it, without expecting the Determination of a General Council, and though ſeverall perſons in *France* are ſuſpected to have adhered to thoſe Propoſitions.

85. The better to explicate this Doctrine, let us ſuppoſe, that two perſons poſſeſs their reſpective Lands upon the ſame Title, and that one of them has been condemned by his lawfull Judge, as poſſeſſing ſuch Lands upon an unjuſt Title: The other, who is not perſonally condemned, though his Title be no better, is not bound to take notice of ſuch a Condemnation, nor to deliver up his Lands, till he be perſonally condemned. In the like manner, though the *Engliſh* are bound to forbear to take this Oath, becauſe they are prohibited particularly to take it: yet the *French*, ſuppoſing they have the like Oath, or teach the Doctrine contained in our Oath, as they do not, would not be bound to take notice of ſuch a Prohibition, as not being directed unto them. Wherefore as it is not reaſonable, that the ſame liberty ſhould be permitted to them who live in places infected, as to others who inhabit places free from infection; to them who are in a tempeſt, as to thoſe who enjoy fair weather: So neither is it reaſonable, that we *Engliſh*, who live in a Kingdome infected with Hereſy, and under a Perſecution, ſhould be permitted to have the ſame liberty as they have in *France*, where they publickly profeſs the Catholick Religion, and the Magiſtrates are free from the infection of Hereſy, and obedient Sons to the Church; and conſequently, what they determine concerning the Pope's Authority, cannot be ſuſpected to proceed from hatred to the Papall Dignity: whenas, on the contrary, ſince our Magiſtrates are implacable Enemies to the Pope, what they reſolve concerning the Pope's Power, may prudently be thought to proceed out of indignation againſt him, and with deſign to bring off Catholicks by little and little from their Obedience to the Pope. And certainly, we ought to truſt rather a Friend, and to give him more liberty, then an Enemy. Whence I conclude, that what-

whatever our Adverſaries produce out of the publick Acts or Decrees of the Parliaments and Univerſities of *France*, is of little or no force to juſtifie the taking our preſent Oath.

86. Conſider, Laſtly, that though our Adverſaries do boaſt, that ſome Doctours of the *Sorbon*, being conſulted about this Oath, have approved it as it lies; yet I have never ſeen their Subſcriptions produced: and the Authours who have written hitherto for the Oath, make mention onely of thoſe publick Acts above quoted. I remember, that thoſe who heretofore defended the Nullity of the Marriage between *Henry* the Eighth and Queen *Katharine*, pretended to have Subſcriptions from the Doctours of *Paris* in their favour; yet all Catholicks now confeſs that the forementioned Marriage was valid, though the validity thereof has never been declared by a General Council, but onely by particular Bulls or Briefs; as the Unlawfulneſs alſo of this Oath has been declared. Moreover, admit that ſome Doctours of *Paris* have approved this Oath as repreſented unto them; yet we ought to conſider how the Caſe was ſtated. For every one is not able to ſtate rightly a Caſe; and ſeveral times are left out ſome Circumſtances very material, which change the nature thereof. And particularly we ought to conſider, whether the ſeveral Differences aſſigned above between *England* and *France*, in relation to the preſent Debate, were taken notice of, wherewith *French* Divines might probably be unacquainted: and perhaps ſome of them were ask'd onely concerning the Pope's Power to depoſe Kings; which becauſe they denied, thoſe who propoſed the Quere preſently inferred, that they approved the whole Oath: which inference is ridiculous, as has been ſhewn. Now 'tis certain, that the ſame Caſe differently ſtated requires a different Solution. Neither does it appertain to a Divine, when he gives his opinion of a Caſe ſo ſtated, to examine whether it be rightly ſtated or not. Some *French* Divines, having been asked, whether it be lawfull for Catholicks in *England* to frequent the Proteſtant Churches, have anſwered in the affirmative, becauſe it is lawfull in *France* for Catholicks to goe to the *Huguenots* Churches:

Churches: yet afterwards, being more particularly informed of our Laws and Cuſtomes, and of the Pope's Brief prohibiting *Engliſh* Catholicks to frequent ſuch Churches, (which he has not prohibited to the *French*,) they have anſwered and ſubſcribed the contrary.

87. Beſides, ſhould we ſee the Subſcriptions of thoſe Doctours in favour of the Oath, if there be any, probably we ſhould find them to be liable to the ſame Exceptions as the publick Acts of *France*, which are produced by our Adverſaries to the ſame intent. Finally, concerning the Sentiment of the ancient *French* Divines about this Point, I refer the Reader to the learned Oration of Cardinal *Peron*, delivered before the Third Eſtate of *France*. And admitting that ſome modern *French* Divines do ſeem to favour the Oath: if the ancient Divines be of the contrary Opinion, why ſhould we acquieſce rather to the Sentiment of the former then of the latter; eſpecially ſince the Opinion of the latter has been ſeconded by the Pope's Briefs condemning the Oath?

I have been longer about this Point, becauſe I find that the chief or onely inducement of ſeveral perſons, to believe that the Oath may lawfully be taken, is this pretended Authority of *France*.

88. If it be Objected, laſtly, "That many learned *Engliſh* "Divines have and do defend the Lawfulneſs of this Oath: "That ſeveral *Engliſh* Catholicks, Conſciencious men, have ta"ken it: That the ancient Fathers of the Church were againſt "the Pope's Power to depoſe Kings: That ſo great an Autho"rity as this is for the Lawfulneſs of the Oath cannot but "make the Affirmative probable; and if it be probable that "the Oath may be taken, why may we not take it? eſpecial"ly ſince it is practically improbable, that it is lawfull to de"prive a man of what he poſſeſſes, *viz.* a King of his King"dome, upon a meerly probable Opinion? That it is no Arti"cle of Faith, that this Oath is unlawfull, or that the Pope "has any Power to depoſe Princes; and if ſo, why may we "not take the Oath, and ſwear poſitively, that the Pope has "no ſuch Power? Finally, That thoſe who impugn the Oath

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" are for the greater part Priests and *Jesuits*, who depend of " the Court of *Rome*, who are carried away with Passion " and Interest, and who have never seriously considered the " merits of the Cause; and consequently, are not to be " consulted, nor hearkned unto, in this matter. "

89. Concerning *the Divines*, and other Authours, who *defend or have defended the Lawfulness of this Oath*; Consider, First, what Character *Urban* the Eighth gives of them, in the Brief he published against this Oath, the 30. of *May* 1626. in these words; *They who perswade you otherwise*, (speaking to *English* Catholicks,) *prophesy unto you a lying Vision and a fraudulent Divination. For sooner ought the sword of the mighty to take from a Christian his life, then his Faith. Yea, if an Angel from Heaven teach you otherwise then the Apostolick Truth, let him be accursed, Anathema sit.* And whether, should His Majesty give the like Character of one of his Subjects, in order to prevent the rest from consulting him, or following his Counsell in a certain civil matter, he would deserve to be held for an obedient Subject, who, notwithstanding His Majestie's Prohibition, should follow such a man's counsell in the very thing prohibited.

Paul V. commanded *Birket* to take away their Faculties from such Priests as had taken the Oath, or taught that it might be taken, unless they repented. Item in the Brief to the Bishop of *Chalcedon* the Pope saies thus; *Si quis aliter docuerit, ejus Doctrina non è fontibus Salvatoris, sed ex Ægypti puteis hauritur.*

90. Consider, Secondly, that actually the Superiours of the Clergy and of the Religious Orders here in *England*, with several others of their respective Subjects, learned, consciencious and grave men, unanimously judge, that the Oath ought not to be taken, and publickly profess, that they are of this Judgment; whenas the Priests, who are of the contrary Opinion, (excepting one, who is in actual Disobedience to his Superiours, to whom he has made a vow of Obedience, and who for his Disobedience has been excommunicated,) do not dare publickly to declare themselves, though the disadvantage (if any) lies here upon those who are against the Oath.

91. Consider, Thirdly, that whoever is against any Part or Clause of this Oath, may justly be alledged against this Oath; whereas no body can be alledged for the Oath, unless he be for all and every Clause thereof, as is manifest,

according to that common Maxime, *Bonum ex integra causa, Malum ex quocunque defectu.* Nay, those who are against the Oath need onely to shew, that something therein contained is at least doubtfull; for a doubtfull Oath is unlawfull: whereas those who defend the Oath must prove, that whatever is therein contained, as the immediate Object of the Oath, is certain; for such must be the immediate Object of an Oath. And who will not rather think, that so many who are against the Oath will evince that something therein contained is at least doubtfull, then so few who are for it will prove that all things therein couched, and sworn, are certain? it being far easier to evince a thing to be doubtfull, then the contrary certain.

92. Consider, Fourthly, that even our Adversaries do confess, that all the Scholastical Divines and all the Canonists, for about 500 years, have been against some Clauses contained in this Oath; and that even now there is scarce any Divine, and much less Canonist, (and to Divines and Canonists properly appertains the discussion of the Clauses of this Oath under debate,) who dares to defend publickly the Lawfulness thereof. Neither is there any Catholick Authour, besides some few of His Majestie's Subjects, either *French*, *German*, or of any other Countrey, for so much as I have been able to learn, who has printed any thing in defence of this Oath as it lies: whereas not onely His Majestie's Subjects, but also many forrein Authours, *Spaniards*, *Italians*, *Germans*, and *Flemmings*, have printed Books against it, even as it lies. Now to say that all the Divines and Canonists were in so gross an Errour, and for so many years, no body daring to oppose them, till some few Priests of our Nation rose up to disabuse the World, and prove, that all those Divines and Canonists had not understood either the Scriptures, or the Councills, or the ancient Fathers, though in all probability they were as much vers'd in them as these modern Divines; for them to say this, (I say) seems somewhat strange, and savours not a little what the Protestants affirm concerning their pretended Reformation, *viz.* "That the "whole

"whole Church was involved for many hundred years in "gross Errours, till *Luther* and *Calvin* came to disabuse the "World, and to shew, that the Doctours of the Church, for so "many years, had been erroneously mistaken in the true sense "of Scripture. It seems also very strange, what some of our Adversaries insinuate, that those ancient Divines and Canonists had not seriously, but perfunctorily considered the Points under debate in this Oath, though they write great Tracts concerning them. What man can prudently think, that neither *Bellarmine*, nor *Peron*, nor *Suarez*, nay nor St. *Thomas*, nor any other of so many ancient and modern Divines, who have impugned this Oath, or some part thereof, have seriously studied the Point, but onely slightly examined it; and that onely *Withrington*, *Peter Walsh*, and some others of their Caball, have throughly discussed this matter, and seriously studied it? If it be reasonable to reject the Authority of so many Grave and Learned Divines, upon such a precarious Supposition as this is; why may not any one, upon the same account, slight the authority of his Adversary, saying that he has not seriously examined the Point under debate; and that had he seriously pondered it, he would have been of the contrary persuasion?

93. Consider, Fifthly, that Mr. *Preston*, who writ those Books concerning this matter, published under the name of *Withrington*, and the principal Champion for the Lawfulness of this Oath, as I am informed by a person worthy of all Credit, and one who was well acquainted with him, never took the Oath himself, nor advised any other to take it; but onely writ those Books, to shew, for the comfort of Catholicks, what might be said in favour thereof. The same Authour grants, that the Pope has Authority to *order* and *direct* the Temporal affairs of Princes, and to impose upon them Temporal punishments by way of a *Precept*, or *Prohibition*, or a *Direction*, in order to their Spiritual good; and he inveighs against *Shakebentus*, for accusing him, as if he had denied the Pope such a Power over the Temporalls of Princes; and he saies, that there is no controversy in the present Point,

Supplic. ad Paul. V. pag. 95. Append. pag. 3. Responsi. ad argum. Suarez. cont. juramen. pag. 204.

Point, concerning the Pope's Power to command or prohibit Princes, even in Temporal affairs, with reference to the Spiritual good of themselves or their Kingdoms. *Neque de potestate Ecclesiastica præcipiendi, sed tantùm coercendi, nulla in præsenti controversia est.* Now this Authority which *Withrington* admits in the Pope over the Temporalls of Princes, seems obnoxious to the same difficulties which he objects against the *coercive* Power of the Pope, and is contrary to the Authority of the Faculty of *Paris* alledged above by our Adversaries; *Non esse Doctrinam Facultatis, quòd Summus Pontifex aliquam in Temporalia Regis Christianissimi Authoritatem habeat.* And certainly, if he has a *directive* or *preceptive* Authority over the Temporals of Princes, he must have *some* Authority over their Temporals.

94. Now consider whether, since *Withrington* and his Associates will not grant the Pope, as Supreme Pastour of the Church, any Power or Authority which is not evidently deduced out of the Precedents which *Christ* and his Apostles have left in Scripture, whether (I say) this *preceptive*, *prohibitive*, and *directive* Power over the Temporalls of Princes, which *Withrington* grants the Pope, can be better declared out of the Precedents left in Scripture by *Christ* and his Apostles, (for when did any of them exercise such a Power over Temporal Princes in Civil matters?) then the *coercive* power, which he denies the Pope. And consider farther, whether the forementioned Power be not in effect the same with the *coercive* Power. For if the Pope may justly, in some cases, and in order to the Spiritual good of a Nation, command a King to desist from persecuting his Subjects upon the score of Religion, or otherwise to lay down his Government, and prohibit his Subjects, in case he goes on in persecuting them upon that account, to bear him Civil Allegeance; how can they swear, that, *notwithstanding any Sentence made or granted, or to be made and granted, by the Pope, or his Authority, against their Prince, they will bear him true Allegeance?* For certainly all just Precepts are to be obeyed; and doubtless Kings will be as unwilling to grant this *prohibitive* or *preceptive*

ceptive Power to the Pope over their Temporalls, as the *coercive* Power. For they do not so much fear what the Pope can doe against them by force of *Arms*, as by force of *Precepts* and *Prohibitions*.

95. Besides, the Authour of the Questions concerning the Oath seems to grant, that the Pope may, in some extravagant case of absolute necessity, to defend the Spirituall welfare of those who are committed to his charge, and acting onely by *a Commission derived from necessity*, depose Princes; as one may justly take away his neighbour's life, when, unjustly attacqued by him, he cannot otherwise defend his own life. Now this is all that *Bellarmine* affirms. For he does not grant the Pope Authority to depose Princes, but in case of an absolute necessity, of defending his Flock from being infected by their Prince with Heresie. And if they grant this Power to the Pope, how do they affirm, that we may swear, that the Pope has not any Power or Authority, in any case possible, to depose Princes? So that, if what the chief Maintainers of the Oath teach concerning the Deposing power be duely sifted, we shall find, that in effect they grant what they seem to deny; or at least that they grant enough to render the taking of this Oath unlawfull.

See *Caron*, a great defender of the Oath, in his *Apostolatus Missionis*. printed at *Paris* 1659. q. 13. in Canc. 2. q. 29. coroll. 4. *& alibi*, where he saies as much as *Bellarmine* for the Pope's Deposing power.

96. Consider, Lastly, whether, when it manifestly appears, that the ground whereon an Authour proceeds is false, or inconclusive, any account is to be made of the Opinion or Judgment of such an Authour. And if not, then let us briefly consider the main Reasons whereon the Defenders of the Oath bottome their Sentiment. It is far from my intention, to defend, that the Pope has Authority to depose Princes: my design onely is, to examine the Reasons whereby some Authours do endeavour to shew, that the Pope has no such Authority. For let an Opinion be never so good, yet some may ground it ill.

97. The common Reason therefore whereon most of those Authours, who impugn the Pope's Deposing power, do ground themselves in this Point, is, "That a meer Spirituall "Power, such as is onely granted the Pope over all Chri-

"ſtendome, in no caſe poſſible, does extend it ſelf to any "Temporall thing. This Reaſon does not ſhew, that the Pope, as Temporall Prince of *Rome*, has not an *indirect Right and Power* to depoſe Kings, in ſome caſes; ſuch a Power being inherent to every Sovereign Prince: and yet if one takes this Oath, he muſt ſwear, that the Pope neither by himſelf, nor otherwiſe, has any Power whatſoever to depoſe Kings. So that whoever takes this Oath, does, according to the common ſenſe of the words, (and he ſwears he takes them ſo,) implicitly deny the Pope to be Sovereign Temporall Prince of *Rome*, becauſe he denies him ſomething inherent and proper to all Sovereign Princes.

98. Moreover, a meer Spirituall Power may extend it ſelf in ſome caſes to Temporall things; and the contrary is manifeſtly falſe. And even our Adverſaries confeſs, (as has been ſeen above,) that the Pope's meer Spirituall Power may extend it ſelf to Temporall things *per modum dirrctionis aut præcepti*. *Chriſt* and his Apoſtles either had no Temporall Power whiles they lived, or at leaſt did not exerciſe it, but
Joan. 18.36. onely a meer Spirituall Power; *Regnum meum non eſt de hoc*
Matt.10.34. *mundo*: and yet he ſaies, *Non veni pacem mittere, ſed gladium*; I did not come to bring peace, but the ſword, and to cauſe a ſeparation between the neareſt relations; as between Mother and Daughter, Brother and Siſter, and ſuch like, who are tied one to the other by the Law of Nature, as Subjects are tied to their Sovereign: which is to be underſtood, when a reciprocall communication between them is prejudiciall to
Matt.21.12. their eternall Salvation. Our Saviour alſo uſed a Temporall Power and force, to caſt out thoſe who with buying and ſelling profaned the materiall Temple of God; as Hereticks profane with their Hereſies the Souls of men, the Spirituall
Act.cap.5. Temples of God. St. *Peter* gave Sentence of death againſt *Ananias* and *Sapphira*; and God miraculouſly concurred to the execution thereof: as he does miracles ſometimes to confirm the Sentences iſſued by the Paſtours of the Church. The power of Excommunication, which is allowed the Pope and other Prelats, is meerly Spirituall, as all confeſs: and

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yet, in ſome caſes, it extends it ſelf to deprive the perſon excommunicated from all Civil Communication with others, due unto them by the Law of Nature; according to what has been alledged above out of Scripture. Neither can it be ſaid, that ſuch a puniſhment was impoſed upon Excommunicated perſons by the conſent of Temporall Princes. For what Temporal Prince was there in the time of the Apoſtles, who granted any ſuch effect to their Excommunication; ſince the Temporall Princes then living were Perſecutours of Chriſtianity?

99. Beſides, a *Confeſſarius* has meer Spirituall power over his Penitent; and yet, ſure, he may enjoyn ſome corporall and temporall Penance, (as has already been hinted,) and oblige him, or declare him obliged, to make ſuch a reſtitution, or to forbear the going to ſuch a place, where the occaſion of his ruine was: All which things are Temporall. A Wife, who cannot live with her Husband without imminent danger of being perverted by him, is bound to quit his company, and deprive him of the right he has over her, though meerly Temporall and Carnall: and ſhe may be commanded by her Spirituall Directour to doe ſo. And ſure there is as great a Tie between a Wife and her Husband, though in a different kind, as between a Subject and his Prince.

100. Again, what Kingdome is there, where meerly Spirituall crimes, as Hereſie, Apoſtaſie, Blaſphemy, *&c.* are not puniſhed, by the Law, with ſome Temporall Puniſhment, either of Death, or Impriſonment, or Baniſhment, or Confiſcation of goods, or ſuch like? Certain it is, that in *England* there are ſeverall Puniſhments enacted by the Law againſt Spirituall crimes, and in matters of Religion, as it appears by ſo many Penall Laws eſtabliſhed againſt Recuſants: yea, whoever is Excommunicated here in *England*, is deprived, according to the Law, of power to plead, or ſue another for what is due unto him. So that Proteſtants, doubtleſs, are not of opinion, that one cannot be Temporally puniſhed by a meer Spirituall Power, or upon a meer Spirituall account.

101. If

101. If it be objected, "that Temporall Princes have enacted ſuch Laws againſt Spirituall crimes as prejudiciall "to the Temporall Good of their Subjects; or becauſe at leaſt "Chriſtian Princes are impowered, by ſeverall Titles allowed "them, to defend by their Temporall Forces the Church, and "to puniſh crimes deſtructive to Faith: I anſwer, that, according to this Objection, the Pope may deprive one of ſome Temporall thing, (if nothing elſe do hinder it,) when it is prejudiciall to the Spirituall Good of Chriſtians: for he is inveſted alſo with ſeverall Titles, which enable him to direct the Temporalls of Princes in order to their Spirituall good, or the Spirituall good of their Nation: Becauſe if a meer Temporall Power (ſuch as we onely aſcribe to Kings) can extend it ſelf to the Temporall puniſhment of a meer Spirituall crime, (when it is prejudiciall to the Temporall good, the Judgment of which crime does not belong to the Temporall Court;) why may not a meer Spirituall power (ſuch as we attribute onely to the Pope over all Chriſtendome) enjoyn, in certain caſes, (if there be not ſome other obſtacle,) a Temporall puniſhment, or deprive of ſome Temporall thing, in order to a Spirituall end? the Execution of which puniſhment, and the Deprivation of which thing, belongs to the Temporall Prince. And ſo we ſee, that the Eccleſiaſticall Power does, and may juſtly, in ſome caſes, *invocare auxilium brachii ſecularis*, (invoke the aſſiſtence of the Secular Power,) in order to inflict ſome Temporall puniſhment upon the account of ſome Spirituall crime.

102. Yet farther, The power of Excommunicating (which is meerly Spirituall) may in ſome caſes extend it ſelf to puniſh meer Civill crimes; as may be made appear by ſeverall inſtances: why may not therefore, in the like manner, a meer Spirituall power extend it ſelf, in ſome caſes, to inflict a Temporall puniſhment? And a meer Temporall Power alſo may, in certain caſes, extend it ſelf to puniſh Eccleſiaſticall Princes, who are exempt from the ordinary Civill Juriſdiction: why therefore, on the contrary, may not a meer Spirituall Power extend it ſelf to puniſh, in ſome caſes, Temporall

rall perſons, and with Temporall puniſhments, at leaſt by the Aſſiſtence of Civil Magiſtrates? For Temporalls are not out of the reach of the Spirituall Power, more then Spiritualls are out of the reach of the Temporall Power.

103. Finally, the ſtouteſt Maintainers of the Oath, and the greateſt Impugners of the Pope's Power to depoſe Princes, cannot deny, but that a Subject who is perſecuted by his Prince upon the ſcore of his Religion, and is in imminent danger of being perverted, may lawfully flie, and ſteal away into a forrein Country, according to the ancient practice of *Chriſt* and his Apoſtles, and the Primitive Chriſtians, and according to thoſe words of the Goſpell, *Cùm autem perſequentur vos in civitate iſta, fugite in aliam*; and this even againſt his Prince's expreſs prohibition: and his Spirituall Directours may counſell him, or enjoyn him, to doe ſo: and conſequently, ſuch a man may lawfully, in that caſe, deprive his Prince, upon a meer Spirituall account, (*viz.* the Salvation of his Soul,) of a naturall-born Subject; which belongs to the Temporalties of the Prince. Yea, what Prieſt or Lay-Catholick is there, even among thoſe who are ſo hot for the Oath, and againſt the Pope's Depoſing power, pretending thereby to ſignalize with particularity their Loyalty to the King, who does not tranſgreſs, and thinks he may do ſo lawfully, upon ſome Spirituall account, ſeverall Civil and Temporall Laws, enacted by the King and Parliament againſt Popiſh Recuſants; either ſending over their Children beyond Seas, againſt the expreſs Laws of the Realm; or tarrying in the Kingdome, againſt ſeverall Proclamations of His Majeſty; or doing many other meer Temporall things prohibited unto Papiſts by the Law? Marc. 10. 23.

104. All which inſtances, moſt whereof are granted by our Adverſaries, do evidently evince, That Spirituall and Temporall things are not ſo vaſtly different, that they cannot, in any caſe poſſible, interfere the one with the other: That it is not always unlawfull to deprive one of a Temporall thing upon a meer Spirituall account; and that a meer Spirituall Power may, in ſome caſes, extend it ſelf to Tem-

porall things: and consequently, That this proof of the fore-mentioned Assertion, *viz.* that the Pope has not Power to depose Kings in any case possible, is manifestly false, and of no force, whatever the Assertion be in it self. Neither do I say, that, because a Spirituall Power may, in some cases, extend it self to Temporalls, it may therefore Depose Kings; but onely, that it is not a good Reason to prove, that the Pope cannot depose Kings in any case whatsoever, because a meer Spirituall Power can in no case possible extend it self to Temporalls.

105. Another Reason very common among those who defend the Oath, and deny the Pope's Deposing power, is, "Because neither the Unlawfulness of the Oath, nor the "Pope's Power to depose Kings, is any Article of Divine "Faith. Whence they infer, that one may lawfully take the Oath, and, by consequence, swear positively, that the Pope has no such Power. Now let any one judge, whether this consequence be not manifestly null: Such a thing is no Article of Faith; Therefore we may lawfully swear the contrary. It is no Article of Divine Faith, that His Majesty is King of *Great Britanny*: shall we therefore swear, that He is not? It is no Article of Faith, that the Pope is Sovereign Temporall Prince of *Rome*: and yet neither Protestant nor Catholick will swear, that he is not. The reason is, because a thing may be certain, though no Article of Faith; or at least doubtfull: and one cannot lawfully swear what is false, or doubtfull.

106. And as for our present case; Those who defend the Pope's Power to depose Kings, in some cases, do not unanimously affirm, that it is an Article of Faith, or that it is expressly defined as such by any Generall Council, or by the universall Consent of the Church: but some of them endeavour to prove it out of Scripture, as a meer Theologicall Truth; others deduce it from Prescription; others from a Donation or Agreement made between Catholick Princes; alledging to this purpose that famous Canonicall Constitution of the Council of *Lateran* under *Innocent* the Third, assen-

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ted unto by the Embaſſadours and Plenipotentiaries of all or moſt Catholick Princes of thoſe times, preſent at the Councill.

107. At leaſt it does not ſeem impoſſible, that Catholick Princes, out of hatred to Hereſie, and zeal for the conſervation of the Catholick Religion, ſhould make a League among themſelves, that if any of them ſhould become an Heretick, and ſhould be declared as ſuch by the Pope, (to whom, as all Catholicks confeſs, belongs the Authority of Declaring one an Heretick,) it ſhould be lawfull for the reſt, in that caſe, to attacque the Tranſgreſſour, and force him by their Arms to recant; and in caſe of refuſall, to proſecute the War till they have Depoſed him, and Abſolved his Subjects from their Oath of Allegeance. And what is agreed upon ſo by the common Conſent of Princes, cannot be recalled, but by their common Conſent. This caſe (I ſay) does not ſeem impoſſible. Now the Pope in that caſe, by declaring ſuch a Prince an Heretick, does as it were authorize the reſt of the Allies to attacque him; and in caſe he refuſes to recant, to Depoſe him: though he is not then ſo properly Depoſed by force of the Pope's Declaration, as of the Contract made between thoſe Princes. Suppoſe that ſome zealous Proteſtant ſhould entail his Eſtate upon his heirs with this Condition, That if any of them ſhould quit the Proteſtant Religion, and ſhould be declared by the Archbiſhop of *Canterbury* (whom Proteſtants acknowledge here in *England* as their Primate) to have quitted Proteſtancy, his inheritance ſhould paſs to the next heir. Now if the Archbiſhop ſhould declare in this caſe, that ſuch an one who poſſeſt that Eſtate had quitted the Proteſtant Religion, he would deprive him, or rather declare him deprived of his Eſtate, though the Archbiſhop has no Authority, in rigour, to deprive any man of his Eſtate. And in this caſe ſuch a man would be deprived of his Eſtate, rather by force of the Entailment, then of the Archbiſhop's Declaration.

108. Finally, Proteſtants do commonly confeſs, (to return to the main Point,) that the Points wherein they differ

from us, as, *No Purgatory*, *No Tranſubſtantiation*, *No Invocation of Saints*, and ſuch like Negatives, are no Articles of Faith; and yet they are far from poſitively ſwearing the contrary.

Whence I conclude, that the forementioned Reaſon of theſe Authours is manifeſtly falſe: For it runs thus. Whenſoever any thing is no Article of Faith, the contrary may poſitively be ſworn: But the Pope's Power to depoſe Kings is no Article of Faith: Therefore we may poſitively ſwear, that he has no ſuch Power. The Major Propoſition is manifeſtly falſe, as has been ſhewn.

109. Another main Argument, which the Defenders of the Oath make a great account of in order to deny the Pope's Depoſing power, is, "That our Saviour did not come into "the World to deprive other men of their Temporal Domi-
Joan. 18. "nions, (*Regnum meum non eſt de hoc mundo*;) and much "leſs to deprive Kings of their Kingdoms, (*Non eripit mor-*"*talia, Qui regna dat cœleſtia.*) Hence they infer, that the Pope has no ſuch Power, for his Power muſt be immediately derived from *Chriſt*, whoſe Vicar he is. To this Argument I anſwer, Firſt, That it is manifeſtly falſe, that the Authority of *Chriſt* and his Apoſtles did not extend it ſelf, in ſome caſes, to the Deprivation of Temporals; as has been proved. Secondly, That the Pope and other Biſhops have the Temporal Sovereignty of ſeveral places, granted unto them by Temporal Princes, or otherwiſe acquired; though neither our Saviour nor his Apoſtles had any ſuch Sovereignty. Wherefore this Conſequence is null, *Chriſt* had no ſuch power; Therefore the Pope has it not: and yet in the Oath we are bound to ſwear, that the Pope has not any Power whatſoever to depoſe Princes, derived from *Chriſt*, or any body elſe. Thirdly, That out of thoſe words of the Scripture, and the Hymn of the Church, is not proved, that our Saviour had no Authority, in ſome extraordinary caſe, to deprive Kings of their Dominions. Certain it is, that God has not given me this life to kill my neighbour: yet in ſome extravagant caſe, when I cannot otherwiſe defend my own life, I may lawfully kill him.

him. 'Tis alſo certain, that His Majeſty was not made King of *England*, to take away from other Princes their Dominions: yet He may doe it, if otherwiſe He cannot defend His Subjects. Neither did *Chriſt* come to damn any one out of his primary intention, but to ſave all; as is evident from ſeveral places of Scripture: and yet he does, and may juſtly, condemn men, who will be obſtinate, to eternal puniſhments. In like manner, his primary deſign in coming into the world was not, to ſeparate a man from his Wife, a Son from his Father, or Brother from his Siſter; for he commands all, eſpecially Relations, to keep union and due correſpondence among themſelves: and yet 'tis ſaid of him in Scripture, *Non veni pacem mittere, ſed gladium*, I did not come to bring peace, but diviſion, and to make a ſeparation between man and Wife, Father and Son, Brother and Siſter, when the Communication with them is deſtructive to their Salvation: and yet 'tis certain, that Subjects are not more expreſly commanded in Scripture to honour their Sovereigns, then Children are commanded to honour their Parents, and Wives to obey their Husbands. Matt. 10.

110. If our Adverſaries object, That the caſes alledged by us here and above, to prove that *Chriſt* and his Apoſtles did ſometimes exerciſe their Power over Temporals, or deprive others of ſome Temporal thing, did proceed, not from an ordinary, but an extraordinary Power; and by conſequence, hence cannot be inferred, that the Pope has any ſuch Power, ſince he ſucceeds *Chriſt*, and his Apoſtles, in their ordinary Juriſdiction onely: To this I anſwer, That all the caſes at leaſt alledged by us are not ſuch. For the Power to deprive one, by Excommunication, of all Civil converſation, and to ſeparate a man from his Wife, in certain caſes, is inherent in the Pope according to his ordinary Juriſdiction. That the forementioned Inſtances do ſhew, that though *Chriſt*'s Power upon earth was meerly Spiritual, and his Kingdom was not of this World; yet he exerciſed ſometimes his Power over Temporals: which was the main intent, for which I alledged thoſe Precedents of *Chriſt* and his Apoſtles. Finally,

nally, That it is a very extraordinary caſe, for Popes to Depoſe Kings, and even (which is much leſs) to Excommunicate them; and thoſe who derive the Pope's Depoſing power from *Chriſt*, affirm, that he has received that Power onely for ſome extraordinary and extravagant caſes.

111. And here I cannot but reflect upon theſe Authours, who impugn the forementioned Power in the Pope. They require their Adverſaries to ſhew out of Scripture the King-dethroning Power: if they cannot ſhew it thence, then they triumph, and conclude, that the Pope has no ſuch Power: though that inference be null, as we have inſinuated. If they produce out of Scripture ſeveral Inſtances to prove, that *Chriſt*'s and his Apoſtles Power did extend it ſelf ſometimes to Temporals; then they anſwer, that ſuch caſes were extraordinary; and conſequently, that they ought not to be brought as proofs of any ſuch Power in the Pope. So that, though *Chriſt* had exerciſed never ſo great Temporal Power, and had Depoſed more Kings then ever Popes did depoſe, or pretend to depoſe; they might with the ſame Anſwer put them all off, ſaying, that they were extraordinary caſes, and proceeded from an extraordinary Juriſdiction.

112. There follows another Reaſon, of great value among the Impugners of the Pope's Power to depoſe Kings; and it is, " That there cannot be found in all Antiquity, till *Grego-*" *ry* the VII. his time, one precedent for any ſuch Power in " the Pope; whereas Chriſtians were perſecuted as much by " Pagan Emperours, as they are or have been perſecuted by " Heretical Princes: Neither had the ancient Chriſtians leſs " courage or zeal for their Religion, and the conſervation " thereof, then the modern. But, whatever the opinion of the Pope's Power to depoſe Kings be, this Reaſon is not ſolid. Firſt, Becauſe thoſe who ground the forementioned Power upon Preſcription, or an Agreement made between Princes, can eaſily anſwer, that in time of the Pagan Emperours there was no ſuch Preſcription or Agreement made; and conſequently, that it is no wonder, if in their time no ſuch Power was exerciſed. Secondly, Becauſe, ſince the Depoſition was to be

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put in execution by the help of ſome Chriſtian Prince, there was not, for a long time, any Chriſtian Prince at all, or any one ſo powerfull, that could put it in execution: and conſequently, the Pope's Sentence, if he had iſſued forth any againſt a Pagan Emperour, would upon this account have been inſignificant: neither would the Pagan Subjects have taken notice of it; and the Chriſtian Subjects were, many times, ſo inconſiderable, that had they taken notice of it, or not, it would have been of little concern.

113. Thirdly, Becauſe 'tis no good Argument, Such a Power was not exerciſed till ſuch a time; Therefore there was no ſuch Power till ſuch a time. The exiſtency of one onely Act does neceſſarily infer the exiſtency of a Power for it: but the denial of ſeveral, yea of all Acts, appertaining to ſuch a Power, though for ſome long time, does not neceſſarily infer the denial of ſuch a Power. For a Power, eſpecially to extraordinary caſes, may lie *dormant* for a long time. The Power to Excommunicate Princes *nominatim* is certainly derived from *Chriſt*; and yet we find very few Precedents in ancient times of any ſuch Excommunication. And ſome have reflected very well, as above we hinted, that there is not one Inſtance of an Heretical Prince, who was alwaies brought up in Hereſy, Excommunicated *nominatim*: and yet even thoſe who deny the Pope any Power to depoſe Kings, affirm, that he may Excommunicate *nominatim* ſuch Princes.

114. Fourthly, I do not remember to have read, that either *Julian* the *Apoſtata*, or any of the *Arrian* Kings, were *ſpeciatim* Excommunicated: and yet, ſure, there was a Power to Excommunicate them; yea and they deſerved it too. Why therefore do theſe Authours infer, that, becauſe ſeveral Kings, who perſecuted the Church, were not Depoſed, there was no Power to depoſe them? Such a thing was not done; Therefore it might not lawfully have been done; is no good Conſequence. There was no General Council held in the Church for many hundred years after *Chriſt*, till the Firſt General Council, which was that of *Nice*; though there were

were ſeveral Hereſies, and many zealous Popes, in thoſe times: ſhall we therefore conclude, that the Popes had no Authority to call a General Council derived from *Chriſt?* or ſhall we alledge the continuance of three hundred years without a General Council, to prove that there is no Power in the Pope to call ſuch a Council? And if a Power could lie dormant, by reaſon of certain Circumſtances, for three hundred years, why not for ſome years more? So that, becauſe the Popes did not exerciſe, for many hundred years, a Power to depoſe Kings, it does not follow, that they were not inveſted with any ſuch Power.

115. I cloſe up this Point with another Reaſon, which is, "That the Impugners of the Pope's Depoſing power cannot "underſtand, as they will needs perſuade us, what diffe-"rence can be between a *direct* Power and an *indirect* Power: "and ſince they are convinced that the Pope has no *direct* "Power to depoſe Princes, as even *Bellarmine* confeſſes, they "infer, that he neither has an *indirect* Power to doe it. For "what matters it, ſay they, to make the miſchief the leſs, whe-"ther one's eyes be beaten out by a *direct* ſtroke from a Ten-"nis-ball, or by a *Bricol?* In anſwer to this Difficulty; No body denies but that, if a Prince be really Depoſed, the effect is the ſame, whether he was Depoſed by a *direct*, or *indirect* Power: and this is all the inſtance they bring does amount to. For certainly, 'tis harder, more extraordinary, and more skill is required to ſtrike a ſet mark by *Bricol*, then by a *direct* ſtroke of a Tennis-ball; and were one to ſtand the one or the other ſtroke, ſure he would rather ſtand a *Bricol* then a *direct* ſtroke. Moreover, there is a vaſt difference between a *direct* and an *indirect* Power to depoſe Kings; and ſo palpable, that (ſure) theſe Authours could not chuſe but perceive it. Is there not a great difference between the Power His Majeſty has to depoſe, or recall a Lord-Lieutenant of *Ireland*, and to depoſe a forrein Prince, when he cannot otherwiſe defend His Subjects? between the Right every one has to make uſe of what is his own, and to make uſe of what belongs to another, in caſe of extreme neceſſity? between the

the right one has to cut off his hair, and to cut off his arm, when otherwise the whole body would perish? between the power a man has to put away his Servant, and to put away his Wife, from cohabiting with him, in some extraordinary case? Certainly, such Powers are very different; and as different is a *direct* or *absolute* Power, from an *indirect* or *conditional* Power onely, to depose Princes. The former is inconsistent with the Sovereignty of a Prince, but not the latter. A *direct* and *absolute* Power is easily, often, and many times at the meer pleasure of him that is invested therewith, put in execution: whereas a pure *indirect* Power is seldome reduced to practice, and in some extravagant case onely. Hence I deduce, that the *indirect* Power over Princes, which some attribute to the Pope, is not inconsistent with their Security, nor with the Duty and Respect due unto them. For certainly one Prince may be secure of another Prince; and yet every Prince has an indirect Power to depose any other Sovereign, in case it be necessary for the defence of his own Subjects. Any one that walks in the streets may be secure, that I will not take away his life; and yet I have an indirect Power to kill him, if he attaques me unjustly, and I cannot otherwise defend my self.

116. And as for the respect due to Princes, Catholick Divines affirm more of the Pope, concerning this Point, (without being therefore charged with Disrespect toward him,) then of meer Temporal Princes. For they openly defend, that should the Pope become an Heretick, *ipso facto* he would cease to be Pope; and should he persist to retain the Papall Dignity, Christian Princes might compell him by force of arms to quit it: and yet they do not assert, that a King, meerly because he becomes an Heretick, *ipso facto* ceases to be King, or that he may be Deposed upon that account onely; since even *Bellarmine* and *Peron* are not of opinion, that a Prince can be Deposed meerly because he is an Heretick, unless moreover he does endeavour to pervert his Subjects. So that one cannot swear positively; neither does the Pope require it of any one, that a King, neither by himself, nor by any Authority derived from his Crown, or otherwise, hath

any Power whatsoever, in any case imaginable, to Depose the Pope, not onely as a Temporal Prince, but also as Pope, or an Ecclesiastical Sovereign, according to what has been insinuated. What wonder is it therefore, that Catholicks should scruple to swear positively, in as ample terms, that the Pope cannot Depose Kings? For, sure, no Catholick will affirm, that Kings have more Power over the Pope, then the Pope over Kings.

117. From what hitherto has been discuss'd in reference to this Point, I conclude, That though the Opinion that denies the Pope to have any Authority to Depose Kings should be true, yet the forementioned Reasons to prove it are manifestly false, or inconclusive; and consequently, the Authority of such Authours, who ground themselves upon those Reasons, as most of our Adversaries do, is void and of no force. Yea, should the aforesaid Reasons prove, that the Pope has not any Power to depose Kings, yet it does not therefore follow, that the Oath may lawfully be taken. For there are many other Difficulties, as we have seen.

118. Concerning *the Example of such Catholicks as have taken the Oath*; Consider, First, whether most of them have not been guided by the Authority of such Writers, as have grounded themselves upon the above-mentioned Reasons; which are palpably false, or insignificant. And if so, whether, as the Authority of such Writers, so the Example of such Catholicks as were guided by them, be of any force. Consider, Secondly, that as there has scarce ever been any Question, which before had been under great debate, and wherein considerable parties were concerned, decided by a General Council, but that some persons, who seemed learned and moral men, either out of ignorance, or obstinacy, have stood out; and yet the Example of such ought not to move us to follow them: So neither has there been any Debate, wherein numerous parties on both sides were engaged, decided by the Pope out of a Council, but that some of those who were condemned, blinded with ignorance, or carried away with obstinacy, have refused to submit; and yet neither ought

ought the Example of ſuch to invite us to imitate them, becauſe they go againſt an expreſs Order and Declaration of their lawfull Superiour, to whom they had referred the Deciſion of the matter under debate, and to whoſe Ordinances they owe at leaſt an Exteriour Obedience.

119. Conſider, Thirdly, whether it be not much to be feared, that at leaſt ſome of thoſe who have taken the Oath, have been carried away with the proſpect to ſome Temporal Intereſt or Advantage, which did dazzle their eyes. Whether others of them have not of purpoſe waved the conferring this matter with grave and conſciencious men, who were inclined to the contrary, though againſt their Intereſt, and are ready to ſubſcribe their Opinion: and whether they have not guided themſelves by ſome Prieſts, neither more learned, nor more conſciencious then the former, nor ſo many in number, and who refuſe to ſubſcribe their Sentiment in this matter; though there does no reaſon appear, why they ſhould be afraid of any prejudice thereby. And if ſo, whether ſuch perſons, upon this account, may not juſtly be ſuſpected of ſome affected ignorance. Whether others have not governed themſelves meerly by the Opinion of Lay-men, unvers'd in theſe Controverſies; and not by the Sentiment of Divines or Canoniſts, to whom the Diſcuſſion of theſe matters onely appertains. Whether others have not conſulted one onely part of the Oath, *viz.* concerning the Pope's Power to depoſe Kings; and being informed that he had no ſuch Power, have preſently taken the Oath, without conſulting or examining ſeveral other Difficulties contained therein. Whether ſome of them, being afterwards better informed, do or did not repent that they ever took the Oath. And finally, whether the Precedents of ſuch Catholicks, who are juſtly preſumed to have been governed, in taking the Oath, by ſome of the foremention'd waies, ought to move any prudent and conſciencious man, to make ſo ſolemn an Act, as is the taking this publick Oath, bringing God or witneſs of the Truth and Juſtice of all and every thing he ſwears therein.

Urban. 8. Brev. ad reg. Gall. air, *Juramentum hoc totius Eccleſiæ pietas exſecratur.* Brev. ad Epiſc. Chalced. vocat illud *abortum mendacii, & impietatis teſſeram.* Paul. V. 1. Brev. air, *Non poteſtis abſque evidentiſſima graviſſimáque Divini honoris injuria obligare vos hoc juramento.*

120. Conſider, Fourthly, whether many of thoſe who have taken the Oath, are not ignorant of the ſeveral Briefs iſſued forth by Popes againſt it: or at leaſt, whether they have ſeriouſly pondered them; the Expreſſions ſo weighty, wherewith they declare the Unlawfulneſs of the Oath; and the Character they give of ſuch as counſell or teach the contrary; which certainly is enough to ſtartle any tender Conſcience: and whether they can think themſelves obedient Sons to their Supreme Paſtour and Father, when they diſobey his expreſſe Prohibition, publiſhed ſeveral times, after ſo long debate, and ſo mature deliberation. Finally, whether moſt of them have not been carried away with the pretended Authority of *France* for the Lawfulneſs of the Oath: whereas *France* never approved, by any Publick Act, the whole Oath as it lies; nor that part thereof, for which onely the Authority of *France* is alledged, as it is couched in the Oath.

121. Conſider, Laſtly, that if what is commonly reported be true, all or moſt of ſuch Catholicks who have taken the Oath have proceeded upon evident Miſtakes. Some of them were induced thereunto, becauſe they thought that the taking this Oath was not *malum in ſe*, but onely *malum quia prohibitum*; and that the Popes by their Briefs had made it unlawfull, and *declared* it ſo: and conſequently, that an extraordinary damage, ſuch as they apprehend in the Refuſall of the Oath, does excuſe them from complying with this, as with other Prohibitions of the ſame nature. Now this is a manifeſt Miſtake, as has been ſhewn above. And certainly, to take a falſe, doubtfull, unjuſt or unneceſſary Oath, is *intrinſecè malum*, or *malum in ſe*.

122. Others have taken the Oath, making beforehand a publick or private Proteſtation, that they intended onely to ſwear thereby a meer Civil Allegeance; and this way they pretended to ſecure their Conſcience. But in the like manner they might take the Oath of Supremacy, making a Proteſtation beforehand, that they intended onely thereby to ſwear, that the King is Protectour of the Church, as all Chriſtian Princes are; and that to Him, as ſuch, does belong

ong to take care, that the Laws eſtabliſhed by the Church be obſerved in His Kingdome; and that the Pope has no Preeminency inconſiſtent with the aforeſaid Obligation of Chriſtian Princes.

123. Moreover, one might, in the ſame manner, take the Communion of the Proteſtants, making a Proteſtation that he takes it onely as meer Bread and Wine, or for his Breakfaſt; and incenſe an Idol too, proteſting that he does it onely to perfume the room: All which are vaſt abſurdities, as no Catholick can deny. The reaſon is, becauſe as long as an Action is in it ſelf unlawfull, or as long as it is doubtfull whether it be ſo or no, no previous Proteſtation can make it lawfull.

124. In fine, ſome others of them will needs perſuade themſelves, that in the Oath is denied onely a *direct* and *abſolute* Power, but not an *indirect* and *conditionall* Power in the Pope to depoſe Kings. But how can this be credible, when both King *James*, who had a great hand in framing the Oath, and all other Authours whatſoever, either Catholicks or Proteſtants, who have hitherto publiſhed Books in defence of the Oath, have unanimouſly underſtood, that therein was denied, not onely a *direct*, but an *indirect* Power alſo in the Pope to depoſe Princes? And it is not probable, that they would explicate their own Opinion to any diſadvantage or prejudice, and make it harder then really it is.

125. Beſides, they all impugn *Bellarmine*, as the chief Maintainer of the Pope's Depoſing power, and as the greateſt Enemy to the Oath; and yet *Bellarmine* as much as any other impugns the Pope's *direct* Power to deprive Princes of their Dominions: and it is not credible, that the Maintainers of the Oath would make themſelves more Adverſaries then really they were, or make ſo famous a man as *Bellarmine* their Enemy, in a matter wherein he is their Friend. Moreover, the very cauſe for which the Oath was framed does contain the deniall of an *indirect* Power. For this Oath was framed to deny the Pope all Power and Authority to depoſe a

King of *England*, or diſpoſe of his Dominions, or to abſolve his Subjects from their Allegeance, even in caſe ſuch a King ſhould not onely be an Heretick himſelf, but alſo force his Subjects to be ſo, and the Pope could not defend his Flock otherwiſe then by Depoſing him. And what is this, but to deny an *indirect* Power in the Pope to depoſe Kings? Neither do I think that there is, even amongſt Proteſtants, any Divine or Lawyer, who can deny but that the forementioned Caſe is comprehended in the Oath.

126. If they ſay, "That ſhould that Clauſe of the Oath "be underſtood in the Latitude pretended, even the Prote- "ſtants themſelves, who take it, would be manifeſt Perju- "rers. For they would ſwear, in taking this Oath, that "the Pope is not Sovereign Temporall Prince of *Rome*; "ſince every Supreme Temporall Prince has an *indirect* Pow- "er to depoſe any other Sovereign, as above has been ex- "pounded. And how is it credible, that Proteſtants ſhould "frame ſuch an Oath, as no body (Proteſtant or Catho- "lick) could take, without manifeſtly perjuring him- "ſelf?

127. To this I anſwer, That all Catholicks muſt confeſs, that whoever takes the Oath of Supremacy does ſwear falſe; and conſequently, that thoſe Proteſtants who framed it, and took it, were manifeſt Perjurers, and many of them without an invincible ignorance, *viz.* ſuch as denied the Supremacy of the Pope in Spiritualls; as doubtleſs many of the firſt Framers of that Oath did. Yea, ſeverall Proteſtants, and amongſt the reſt King *James*, acknowledge the Pope to be Patriarch of the Weſt, and that *England* appertains to the Weſtern Patriarchate, and conſequently, that the Pope has ſome *Preeminency* in *England*, in order to Spiritualls; for every Patriarch has ſome *Preeminency* in his whole Patriarchate: and yet they ſwear poſitively, in the Oath of Supremacy, that no Forrein Prelate has, or ought to have, any *Preeminency* within this Realm; and by conſequence they ſwear falſe, even according to their own Principles.

128. What wonder therefore is it, that Proteſtants, out of Indignation

dignation towards Catholicks, ſhould frame ſuch an Oath of Allegeance, that even they themſelves could not take without being perjured? And the like is to be ſeen in all Heterodox Countries, where, out of hatred to the true Religion, ſuch things are often required of the Profeſſours thereof, that even the Heterodox Profeſſours themſelves cannot lawfully execute. Beſides, the Teſt enacted the laſt year, 1673. though levelled onely at Catholicks, is notwithſtanding ſuch, that others, who are not *Roman* Catholicks, yea Proteſtants of the *Engliſh* Church, cannot comply with, if they underſtand the Principles of their reſpective Religions, and will ſtand to them: as may eaſily be made appear.

129. 'Tis therefore not to be wondered at, that men out of Paſſion ſhould over-doe things; and that Proteſtants, to the end they might be ſure to frame ſuch a Teſt, that *Roman* Catholicks could not take, ſhould frame ſuch an one, and in ſuch generall terms, that they themſelves could not comply with: For their mind ſeems to have been ſo much bent to conſider what *Roman* Catholicks *could not ſwear*, that they did not reflect what they themſelves *could ſwear*. Wherefore it would not be amiſs, when they require us to take either the Oath of Supremacy or Allegeance, or comply with the Teſt enacted the laſt year, to ſhew them that they require of us what they themſelves, even according to their own Principles, cannot doe: whereby will eaſily appear the unreaſonableneſs of their Requeſt. From the premiſſes hitherto ſet down, one may juſtly conclude, that the Example of ſuch Catholicks who have taken the Oath, as grounding themſelves upon palpable Miſtakes and Miſinformations, cannot be a prudent Motive for others to take it, nor a good Argument to ſhew the Lawfulneſs thereof.

130. Concerning *the Authority of the ancient Fathers, againſt the Pope's Power to depoſe Princes, or to abſolve their Subjects from their Allegeance*; Conſider, Firſt, that though it ſhould be granted, that the ancient Fathers are againſt the forementioned Power in the Pope; it does not therefore follow, that they are for this Oath, but onely for one part thereof;

of; neither for that in such a degree, that one may positively swear it. Consider, Secondly, that to prove, that the ancient Fathers and Doctours deny the Pope to have any Power whatsoever, either by himself or by others, to depose Princes, in any case imaginable, 'tis necessary to prove, that they deny the Pope any Power whatsoever, to deprive a Prince of civil Communication with his Subjects, by force of any Excommunication whatsoever: or, in supposition there has been an Agreement made between Catholick Princes, that if any one of them become an Heretick, he should forfeit his Kingdome, or be liable to be deposed by the rest, in case he refuses to recant, to declare any one of such Princes an Heretick, though really he be such: or, in case that a Subject, or Subjects, cannot live under an Hereticall Prince, and Persecutour of the true Church, without imminent danger of being perverted, and consequently is, or are, bound by the Law of God and Nature, to withdraw themselves; to declare, I say, in such a case, that he, or they, are bound to withdraw, and to oblige them to it. For those who assert the Pope's Deposing power, expound it in one of these three ways; which many do not seem to understand. Therefore it would not be amiss to ask them who deny the Pope any Power to depose Princes, what they mean by *a Power to depose Princes.*

131. Consider, Thirdly, whether *Bellarmine*, *Peron*, *Suarez*, and others who assert that Power, do not alledge severall ancient Councills and Fathers for their Opinion: and if so, what reason is there why we should not think, that they, being persons so eminent in Doctrine and Erudition, did not understand them as well as *Withrington*, *Caron*, or *Peter Walsh*; especially, since most of the modern Divines and Canonists, having seen what both parties do produce out of Antiquity in their favour, are for the Affirmative? And had I time, I could lay open the gross Mistakes committed by *Caron* in the quotation of ancient Authours for his Opinion.

132. Con-

132. Conſider, Fourthly, whether it would avail a man in a Suit of Law, to pretend, that the ancient Lawyers are on his ſide, after that the modern Judges and Lawyers, or the far greateſt part of them, having heard what he could ſay for himſelf, had determined the contrary: And if not, apply the ſame to our preſent caſe.

133. Conſider, Fifthly, whether thoſe ancient Fathers, which the Maintainers of the Oath alledge, may not be underſtood to ſpeak onely of a *direct* Power in the Pope to depoſe Princes: and if ſo, whether they can prejudice the Opinion which onely allows him an *indirect* Power. Or, whether they may not be underſtood to deny onely, that the Pope, as Pope, (for *as ſuch* he has no Temporall Dominions, nor Temporall Sovereignty,) cannot compell any Prince, by his own Temporall Forces, to quit his Kingdome: and if ſo, the Authority of ſuch Fathers cannot be prejudiciall to the Opinion, which affirms that the Pope, having declared a Prince an Heretick, and a Perſecuter of the Church, may invoke the help of Catholick Kings, and authorize them to compell ſuch a Prince, by force of their Arms, to deſiſt from perſecuting his Subjects, and, in caſe of refuſall, to Depoſe him.

134. Conſider, Sixthly, whether ancient Fathers are to be alledged for an Opinion, after it has been condemned by the Church, or the Pope, as this Oath ſeverall times has been: as, for inſtance, whether it be now a ſufficient motive to affirm, that Children baptized by Hereticks are to be re-baptized, becauſe St. *Cyprian* was of that Opinion before the contrary was defined.

135. Conſider, Laſtly, whether it be not the unanimous conſent of the ancient Fathers, that we are bound to afford at leaſt an Exteriour Obedience to the Pope's expreſs Commands, in matters appertaining unto him, if the Compliance with them be not manifeſtly Sinfull; as the Forbearance of this Oath (which is the thing onely required of us by the Pope in the above-mentioned Briefs) is not: and whether

there be not ſeverall things contained in this Oath, the Deciſion whereof, according to the common Sentiment of the ancient Fathers, does appertain to the Eccleſiaſticall Court, whoſe Head the Pope is.

136. Concerning *the Probability of the Opinion, that aſſerts the Lawfulneſs of this Oath*; Conſider, Firſt, whether an expreſs Declaration or Prohibition of the Church, or Pope, does not render the thing prohibited practically improbable, or the Lawfulneſs of the practice thereof improbable; though the thing in it ſelf, and preſcinding from ſuch a Prohibition, be probably or certainly lawfull. As preſcinding from the Prohibition of the Church, 'tis as lawfull to eat fleſh upon Fridays as upon any other days of the week: yet this is improbable, practically ſpeaking, ſuppoſing ſuch a Prohibition. And if this be ſo, conſider farther, whether, ſince the Pope (to whoſe Orders we owe at leaſt an Exteriour Obedience) has prohibited us, by ſeverall Briefs, to take this Oath, it be not practically improbable, that it is lawfull to take it; though we ſhould grant, that the Oath, preſcinding from ſuch a Prohibition or Declaration, is in it ſelf, and ſpeculatively ſpeaking, probable: as ſeverall hidden Myſteries of our Faith, preſcinding from the Declaration or Definition of the Church, do ſeem probably otherwiſe.

137. Conſider, Secondly, that it is not probable, nor credible, that the Maintainers of the Oath would have made (as they did) their application to the Pope, to the end he might give ſentence of the Lawfulneſs thereof, and whether it did contain any thing contrary to Faith, or not, had they not been perſuaded, that the Deciſion of theſe matters did appertain to the Pope. And if ſo, that it was very ridiculous for them to make any ſuch application to the Pope for the Deciſion of theſe matters, or to refer themſelves to the Pope's Judgment, if they were reſolved not to ſubmit, even exteriourly, to his Judgment, in caſe he ſhould give ſentence againſt them, as he did: and conſequently,

quently, we cannot probably presume they had any such resolution. So that, unless they will condemn their own proceedings in this matter, (which 'tis not probable they will do,) they must needs confess themselves bound to afford at least an Exteriour Obedience to the Pope's Briefs concerning this matter, till they be lawfully repealed.

138. Consider, Thirdly, whether the same Exceptions which they make against the Pope's Briefs, and his proceedings in this matter, *viz.* "That he was misinformed; "That the Pope's Briefs are here in *England* of no force, "without the approbation of the King, who, as things "now stand, does acknowledge no Spirituall Power in the "Pope over his Realm, and consequently, will not approve "any thing that comes from him, in order to the direction of "His Subjects, whether favourable, or not favourable unto "him; That the Pope is fallible, and inferiour to a Generall "Councill; and other Exceptions mentioned above; whether (I say) the same Exceptions might not have been made by us, in case the Pope had given sentence for them, and against us, and had commanded all to take the Oath, when they should be required thereunto by His Majesty: and whether our Adversaries do think, that such Exceptions, made by us in that case against the Pope's Sentence, could have justified our Refusall of the Oath, or our Disobedience to the Pope's expres Commands. Or what would they have said of us, should we have persisted still to urge the same Reasons, and the Authority of so many Doctours, against the Lawfulness of the Oath, after it had been declared lawfull by the Pope; and upon that account, and under pretence of Probability, should have still refused the Oath? I am confident, that they will not confess, that such proceedings of ours in that case, though they be the very same which now they make use of, would have been justifiable.

139. Conſider, Fourthly, that the Maxime they make ſo much account of in this great Debate, *viz. In dubiis melior eſt conditio poſſidentis*, (In doubtfull matters better is the condition of him that poſſeſſes,) and conſequently, that no body can be lawfully diſpoſſeſs'd of what he has, upon a meer probable Opinion, is inſignificant in our preſent caſe. For it is to be underſtood, as our Adverſaries alſo underſtand it, as long onely as the matter under debate has not been decided by a lawfull Judge. Now the Unlawfulneſs of this Oath, which is the main Point under debate, has been, ſeverall times, decided by the Pope, to whom even our Adverſaries refer the Deciſion of this matter. Neither does the Pope decide, in the above-mentioned Briefs, (as the Opponents would needs ſuppoſe,) that he has Authority to depoſe Kings, which is the thing our Adverſaries ſay is under debate; but onely prohibits us to ſwear, that he has not any ſuch Authority, or hinders the King from deciding it in his own favour: and every one has right, as long as the thing is under debate between him and another, to hinder his Adverſary from deciding it on his ſide.

140. Conſider, Fifthly, whether meer *indirect* Power in the Pope to depoſe Princes, ſuch as is in every King to depoſe any other Sovereign, be inconſiſtent with the Sovereignty of Princes, or whether it does diſpoſſeſs them actually thereof. If not, then to admit ſuch a Power in the Pope, (as ſome do,) is not to admit any thing which does actually diſpoſſeſs Kings of their Temporall Sovereignty.

141. Conſider, Sixthly, whether, according to the ſeverall Precedents alledged by ſuch Authours who aſſert the aforementioned Power in the Pope, and aſſented unto, as to matters of fact, by their Adverſaries, Popes have not exerciſed ſuch a Power many years ago: and conſequently, whether the Popes have not poſſeſſion of ſuch a Power, (*juſt* or not *juſt* I do not decide:) for one takes poſſeſſion of a Power by exerciſing its Acts. So that the debate

debate which remains, is not, whether the Pope has *Poſſeſſion* of ſuch a Power, or not; but onely, whether he has a *juſt* Poſſeſſion thereof, or onely an *uſurp'd*: and conſequently, according to the Maxime produced by our Adverſaries, *In dubiis melior eſt conditio poſſidentis*, the Pope ought not to be deprived of ſuch a Power, till the matter be lawfully decided againſt him. And to oblige men to ſwear poſitively that he has no ſuch Power, is, in a certain manner, to deprive him thereof, and to oblige men to ſwear poſitively a doubtfull thing.

142. Conſider, Laſtly, that though it be probable, that one cannot wage war, or deprive any one of what he poſſeſſes, upon the account of a meer probable Opinion; whether this be ſo certain, (ſince grave Authours are of the contrary ſentiment,) that we may poſitively ſwear, that no body, who has onely a probable Opinion on his ſide, can lawfully diſpoſſeſs another of what actually he has.

143. Concerning *the Intereſt of thoſe who impugn the Oath*, objected in the laſt place againſt us; Conſider, Firſt, whether it be not as probable at leaſt, that thoſe who defend the Oath, and deny the Pope all Power whatſoever to depoſe Princes, are Flatterers of Princes, and Sycophants of Temporall Courts, as that thoſe who are of the contrary perſwaſion are Flatterers of the Pope, and Sycophants of the Spirituall Court: and whether (morally ſpeaking) it be not impoſſible, that where the matter under debate is of ſo vaſt an extent, as Supremacy in Spiritualls, and Supremacy in Temporalls, there ſhould not be ſome proſpect of Intereſt, of whatſoever ſide we be, either from the Pope, if one defends the Negative, that the Oath is not lawfull, or from the King, if one maintains the Affirmative, that it is lawfull: and conſequently, whether, were this Exception equitable, one ought to hearken to either ſide.

144. Conſider, Secondly, whether *Roman* Catholicks (His Majeſtie's Subjects) do not depend more of the King, and Civill Government, in order to their Intereſt and Preferment, then of the Pope, and *Roman* Court: or whether thoſe who impugn the Oath, may not fear more Dammages from the Civill Government, then thoſe who defend it, from the Eccleſiaſticall: or, finally, whether the latter may not hope to obtain greater Advantages from His Majeſty by defending the Oath, then the former from his Holineſs by impugning it. Thoſe who defend the Oath aim, or may aim, at ſome particular Priviledges, or Exemptions, to be granted them, upon that account, from the Civill Government. Neither do I ſee what Dammages they can fear from the Pope, by defending the Oath. For though, perhaps, the Pope may Excommunicate ſome of them upon that ſcore; yet an unjuſt Excommunication does not any harm: and the Defenders of the Oath are perſuaded, that ſuch an Excommunication would be unjuſt, and not to be taken notice of. On the other ſide, thoſe *Engliſh* Catholicks who impugn the Oath, may fear leſt the Penalties be put in execution againſt them upon that account; which, whether juſtly, or unjuſtly executed, do in effect equally prejudice. And what ſuch Catholicks can hope for from the Pope, I ſee not; ſince there is no Temporall nor Eccleſiaſticall Preferment here in *England* to which, in the preſent conjuncture of affairs, his Holineſs can promote them. And if this be ſo, then, upon the account of dependency, we ought rather to ſuſpect thoſe who defend the Oath, then thoſe who impugn it.

145. Conſider, Thirdly, whether ſome of thoſe Prieſts who have ſhewn themſelves moſt forward to defend the Oath, have not received conſiderable Penſions, and ſums of money, to print their Books relating to this Subject, from Proteſtant perſons of quality, either Clergy-men or Lay-men, or both; and whether they have not been countenanced

tenanced and careſſed by them upon that ſcore. And that this has happened, we can make appear. Moreover, whether they can produce any Precedents of *Engliſh* Prieſts, who have received the like ſumms of money, or incouragement, from the Pope, for oppoſing the Oath. And if not, then, conſidering the event that this Debate has had hitherto, we muſt conclude, that the Defenders of this Oath have got more then the Oppoſers thereof.

146. And here I cannot but reflect upon what is related of ſome of our Proteſtant Prelates, who, being noted that they kept familiar correſpondency with ſome *Roman* Prieſts, and encouraged them in their deſigns, anſwered, that they did it to breed a Schiſm among *Roman* Catholicks, thereby the better to deſtroy them. *Prynne*, in his *Canterbury Doom*, pag. 557. ſaies, that Archbiſhop *Lawd*, being accuſed, that he converſed familiarly with ſome Prieſts, anſwered, "King "*James* had conference with, and extended favours to ſome "Prieſts, making good uſe thereof, to ſet them at variance "among themſelves, and induce them to write one againſt "another; as *Watſon* and *Preſton*, who wrote divers Books in "defence of the Oath of Allegeance, and did good ſervice "therein. Whereupon my Predeceſſour, Archbiſhop *Abbott*, "granted *Preſton* a kind of Protection under his hand and "ſeal. *Ibid. Lawd* granted alſo *Preſton* a Protection under his hand. *Fuller*, in his Church-Hiſtory, in the Life of King *James*, ſaies thus: "Doctour *Bancroft* afforded the "Seculars countenance and maintenance in *London*-Houſe, "accommodating them with neceſſaries, to write againſt "their Adverſaries, (*viz.* the *Jeſuits*,) hoping that the "Proteſtants might aſſault the *Romiſh* Cauſe with more ad-"vantage, when they found a breach made to their hands "by the others own diſſenſions. Where I cannot but note, that as concerning the preſent Point we ſpeak of, the Proteſtants countenanced the Prieſts who defended the Oath, as *Preſton*, the chief among them, and not thoſe Prieſts who oppoſed

poſed it. Whence appears, that Proteſtants are of opinion, that the Defenders of the Oath are againſt the Church of *Rome*, but not the Oppoſers thereof, ſince they joyn with the former, and not with the latter; and ſure, they would joyn with the Enemies of our Church, according to their opinion, and not with her Friends.

147. Conſider, Laſtly, that thoſe who are moſt blamed for oppoſing the Lawfulneſs of the Oath are leſs liable to any ſuſpicion of pretence, or Intereſt, in this matter, ſince they are tied by a particular Vow, not to pretend, neither directly nor indirectly, any Preferment or Dignity: beſides, they have been particularly prohibited by their General, who reſides at *Rome*, under pain of Excommunication, either to preach, or teach, in publick Diſputes or Books, that the Pope has any Power to depoſe Kings: the like Prohibition, for ought I know, being not impoſed upon any other Religious Order. And whatſoever heretofore ſome of them have taught concerning this Subject, 'tis certain, what *Henry* the Fourth of *France* juſtified in a publick Speech, that they taught nothing in this matter, which is not ſtill taught, and has been taught before their Society was in the world, by ſeveral Learned men of other Orders.

I have propoſed theſe Conſiderations for the Satisfaction of ſuch Catholicks who have a deſire to be informed concerning the Lawfulneſſe or Unlawfulneſſe of this Oath, to the end, that having peruſed them over, they may proceed, in a matter of ſo great concernment, with due conſideration. For I have endeavoured to couch, in this ſhort Diſcourſe, the main Arguments on both ſides. I believe that Conſciencious Catholicks, who ſhall be pleaſed to peruſe ſeriouſly the forementioned Conſiderations, will have at leaſt ſome rational Reluctancy to take the

the Oath, as it lies; which is enough to render the taking thereof unlawfull; ſince ſuch as take it do ſwear, that they doe it *hartily*, that is, without any Reluctancy of mind, but rather with a Propenſion and Inclination to take it: which certainly no body can lawfully ſwear, who feels a Reluctancy of mind to any part of the Oath.

And to ſumme up the whole Subſtance of this Treatiſe: Since it is certain, (neither do our Adverſaries deny it,) that it belongs to the Pope, to decide whether this Oath be unlawfull or not; Since the Pope has determined ſeverall times, that it is unlawfull, and has prohibited the taking thereof, as all do confeſſe; Since what our Adverſaries ſtill urge, for the Lawfulneſſe of this Oath in it ſelf, has been long ſince propoſed to the Pope, and does concern the very thing, for the Deciſion whereof even they refer themſelves to the Pope's Judgment, with reſolution to ſtand to his Determination, otherwiſe why ſhould they refer it to him? Since, finally, all the Exceptions our Adverſaries make againſt the Briefs, and the Proceedings of the Pope in framing of them, are frivolous, and ſuch as would vacate (were they of any force) all Briefs whatſoever, iſſued forth by Popes, and which even they themſelves would not have allowed us to make, in caſe the Pope had given the contrary Sentence; Since (I ſay) all this is ſo, as does manifeſtly appear, by what has hi-

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therto been ſet down: I conclude, That our Adverſaries are deſtitute of all rationall Motives, whereby to juſtify their Diſobedience to the forementioned Briefs; and that nothing but Ignorance or Obſtinacy can move them to ſtand out.

THE END.